English Translations of

Majmoo'al-Fatawa of Permanent Committee for Scholarly Research and *ifta*' of K.S.A

First Collection

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This file is volume No.20 of 26

Divorce

First question of Fatwa no. 4172

Q 1: What is the ruling on a man who marries a second wife and divorces his first one not because his second wife asks him to do so, but because of another reason?

A: If it becomes clear for a man that his wife is no longer suitable for him, and that divorce is the correct decision, it is permissible for him to divorce her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Second question of Fatwa no. 11003

Q 2: I am married but marriage is Sunnah (a commendable act) and seeking knowledge is Faridah (obligatory act) on every male and female muslim. Is it permissible then that I divorce my wife to seek knowledge?

A: Marriage is a Sunnah of the Prophet (peace be upon him). By marriage, a person keeps half of their Din (religion) for marriage helps them to lower their gazes (not look at prohibited things) and keep their private parts. Thus, you should not divorce your wife. It is worth mentioning that marriage will not prevent you from seeking knowledge if you have a strong determination

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and a sincere intention. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17380

Q: i married my cousin unwillingly when my father insisted that i marry her. He told me to divorce her later if she is not a good wife. Now, I am in the Kingdom of Saudi Arabia and I have not returned to Egypt for three years. I want to travel and divorce my wife, since I neither fulfill my obligations towards her properly, because I do not like her, nor do I observe her marital rights. Will I wrong her by divorcing her? Does she have rights on me? Please advise, may Allah reward you!

A: If the reality is as you mentioned, you are encouraged to utilize the available means of reconciliation. Perhaps you live together in peace. If you cannot pursue that option and insist on divorce, let it be a release in a kind way, that is, divorce her one time. Afterwards, you are responsible to provide her with Nafaqah (obligatory financial support), clothing, and housing during her `Iddah (woman's prescribed waiting period after divorce). You are also required to provide these things for the period before divorce if

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you have not supported her financially, unless she absolves you of that. You are permitted to take her back in marriage if you want as long as she is still in her `Iddah and you have not divorced her two times before. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 18416

Q 4: I want to ask Your Eminence about something. my parents are alive and they have forced me to marry a woman against my will. I had to please my parents and marry this woman who was willing to marry me. I have had the intention to divorce her since the first day I married her. Shall I divorce her if my parents agree? I fear the following words of Allah (Exalted be He): ﴿And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of some open illegal sexual intercourse.﴾

A: We advise you to remain with your wife; not to divorce her and to fulfill your obligations towards her. One of the objectives of the blessed Shari`ah (Islamic law) is to preserve the family, keep it

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united, and avoid anything that may spoil its harmony and lead to divorce. Do not resort to divorce unless there is a Shar`y (Islamically lawful) excuse or necessity, such as hating the wife, being unable to live with her, and fearing to be unable to fulfill your obligations towards her. In this case, there is no blame on you if you divorce her. It is even permissible for the husband to divorce his wife when he fears that he will be unable to fulfill his marital obligations towards her, unless she gives up her rights. However, it is better to be patient and to fulfill your obligations towards your wife with the aim of pleasing your parents and saving the family from falling apart, and you will be rewarded in sha'a-Allah (if Allah wills). On the other hand, if you decide to divorce her because you dislike her, there is no blame on you and may Allah replace each one of you with someone better. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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the wisdom behind granting men the right of talaq

The third question of Fatwa no. 4497

Q 3: Why does Islam grant only the husband the right to initiate Talaq (divorce pronounced by a husband)? What is the ruling if the husband's company is unbearable? How can we say that Islam treats both men and women equally?

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A: Firstly: Allah grants the husband alone the right to initiate Talaq due to many important reasons, such as; (i) The husband's wisdom, strong will, understanding and insight being more than the wife's. (ii) The husband is the one who provides for the family, manages its affairs and takes decisions. He is the main pillar and head of the household. (iii) The husband is obligated to pay the Mahr (mandatory gift to a bride from her groom) and that is why divorce is in his hand. Had it been in the woman's hand, a woman may marry someone to take the Mahr and divorce him to marry another, and so on. This is not proper and Allah warns Muslims against this when He says: ﴾Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.﴿ **Secondly:** When the husband's company is unbearable, the matter is to be referred to the courts. **Thirdly:** Allah favors men with some rulings and favors women with some rulings, and both of them share some rulings, and the mutual reference is the Shari`ah (Islamic law).

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 5245

Q: Many people from neighboring countries ask me about the issue of `Ismah (the bond of marriage, i.e. the right to initiate divorce). Is it permissible for a woman to have this right? Please enlighten us.

A: The basic rule is that talaq (divorce pronounced by a husband) is in the husband's hands and anyone he delegates. This is in case the husband is fit, but if he is not, his guardian will act in his behalf. Moreover, if the husband authorizes his wife to initiate the divorce, she will have the right to do so as long as he has not annulled the Wakalah (appointment of a legally accountable person to act on behalf of another for a specific permissible matter). However, when a husband grants his wife the right to initiate divorce at any time by adding a condition in the marriage contract, this condition is Batil (null and void) since it opposes the main purpose behind the marriage contract. The Prophet (peace be upon him) said, ("Any condition that is not in the book of Allah is null, even if they are one hundred conditions.") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 8065

Q 1: when a woman divorces her husband, is she required to pay Kaffarah (expiation)? If so, what is it?

A: When a woman pronounces the divorce word to her husband, the divorce does not take place. No Kaffarah is required, but she has to perform Tawbah (repentance to Allah) and ask Allah's forgiveness. Her pronouncement of divorce to her husband goes against the Shari`ah (Islamic law) proof that indicates that the right of divorce is given to the husband or the Islamically lawful authorized person that replaces the husband in divorce. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The tenth question of Fatwa no. 17883

Q 10: what is the evidence from the Qur'an and Sunnah (whatever is reported from the Prophet) on the permissibility of Talaq (divorce pronounced by a husband) being in the hands of the wife?

A: The origin in this issue is that Talaq is in the hands of the husband, for Allah (Exalted be He) says: ﴿O Prophet (صلى الله عليه وسلم)! When you divorce women, divorce them at their 'Iddah (prescribed periods)﴾ However, if the husband

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delegates his right of Talaq to his wife, and she divorces herself afterwards, in this case the Talaq will occur. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 6391

Q 5: my wife does not perform Salah (Prayer). I advise her using all means, but she does not respond positively. Is it permissible to divorce her?

A: If you advise her and she does not respond, you are obliged to divorce her. According to Ijma` (consensus of scholars), she is a Kafir (disbeliever) when denying the obligation of Salah, and she is so whilst not denying its obligation according to the preponderant view. Allah (Exalted be He) says: ﴾Likewise hold not the disbelieving women as wives﴿ May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4895

Q: On Sunday night,

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14 Sha`ban, 1402 A.H. at 2:00 am, i had an argument with my wife and i lost my temper and uttered one pronouncement of divorce saying, "You are divorced." After that, I drove her and my two children to my brother's home, until I would know the ruling of Shari`ah (Islamic law). Please bear in mind that she is not pregnant and is breast-feeding her child. It is worth mentioning that this was my first time to divorce her. Please advise me. May Allah reward you the best!

A: If the reality is as you mentioned, you have made one revocable pronouncement of divorce, and you can take your wife back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 754

Q: a man married a Muslim woman who was previously a Christian. He doubted her conversion to Islam, and problems began to arise between them. This doubt was later confirmed by her going to churches and monasteries when he was absent. She unexpectedly left his house in Tanta and traveled to Cairo. She phoned him from Cairo and requested divorce, but he did not respond to her. Her brother came

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and asked him to divorce her. He told him that she has been unlawful for him for three years due to her conversion to Christianity. Is she unlawful for him according to the ruling of Shari`ah (Islamic law)? What is the legal stance on her apostasy without his knowledge? It should be noted that she lived with him for five years and he was not aware of her apostasy.

A: If the reality is as mentioned, the wife has become unlawful for him because of her apostasy, and she will not be lawful for him (in marriage) unless she makes Tawbah (repentance to Allah) and returns to Islam. Allah (Exalted be He) says: ﴾Likewise hold not the disbelieving women as wives﴿ and ﴾And whosoever disbelieves in Faith [i.e. in the Oneness of Allâh and in all the other Articles of Faith i.e. His (Allâh's) Angels, His Holy Books, His Messengers, the Day of Resurrection and Al-Qadar (Divine Preordainments)], then fruitless is his work; and in the Hereafter he will be among the losers.﴿ Her marriage is part of her deeds that has turned worthless as she apostatized. The ruling of Shari`ah on her is that she should be killed unless she makes Tawbah and returns to Islam. That is because the Messenger of Allah (peace be upon him) said: ﴾"If somebody (a Muslim) discards their religion, kill them."﴿ This ruling applies to her whether the husband has known about her apostasy or not. However, he is excused for having intercourse with her and enjoying her during the period in which he was unaware of her apostasy. A Muslim is only permitted to ask about the legal stance on her apostasy

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by referring to a Muslim legal body. That is because seeking judgment from other than the revealed laws of Allah (Exalted be He) constitutes Kufr (disbelief), injustice, and Fisq (flagrant violation of Islamic law). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4586

Q: due to a quarrel that took place between my wife and me, I said to her, "I divorce you." I did not mean to divorce her; it was just the effect of anger. She answered me saying, "I will not leave my children and if you want to leave, you may go." So we stayed in the same house with the children. I have doubted the lawfulness of this matter since then. Could you kindly advise me in this regard. May Allah benefit us and you!

A: If the reality is as you mentioned, your pronouncement of divorce is considered a one time divorce. You may take her back in marriage, as long as she is still in her `Iddah (woman's prescribed waiting period after divorce), but in the presence of two just witnesses. The `Iddah is three menses for women who have menses. As for pregnant women, their `Iddah lasts until delivery. The `Iddah for non-pregnant women who do not have menses is three months. If this is the third pronouncement of divorce,

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she is not lawful for you unless she marries another man who must consummate his marriage with her then divorce her or die and her `Iddah ends. Only then, she will be lawful for you with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) provided that she gives her consent. You have committed a sin when you stayed with her in the same house conditions because she was divorced. Therefore, you must seek Allah's forgiveness, make Tawbah (repentance to Allah), do not repeat this act again, and know the rulings of your Din (religion) of Islam. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4420

Q: What is your opinion regarding a man who pronounced one single divorce without telling his wife? The witnesses also did not tell her about this divorce, which took place six months ago. He did not intend to take her back in marriage. She lived with her mother and son in one of the rooms of the house while he lived in another room in the same house. No sexual relations took place during this period. In most cases, she ate with

her mother and son. The husband was served by a female servant. He only dined with his wife when they entertained guests at home or when necessity called. He provided her with the basic needs of life, but he did not engage in sexual intercourse with her. The reason why he did not tell her about the divorce was that their son was in the secondary school and may be shocked and thus fail his exams if he heard about it. It should be noted that the wife has other married sons and daughters who live in separate houses. What is the ruling on that? Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah grant you reward! As the husband is already dead, his son asks about the validity of this divorce.

A: If the reality is as mentioned, the divorce has taken effect as one single divorce. If the wife's `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired before the husband's death or if the divorce happens to be the third pronouncement of divorce, the wife does not have to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). She will be entitled to no share of inheritance in the property he left behind. If she happens not to menstruate three times before his death and it is not known that the husband had divorced her twice before, she has to stop observing the `Iddah

prescribed for divorce and starts Hidad. She is also entitled to inherit from the property he left behind. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2794

Q: they asked me: "Did you divorce your wife?" I said: "Yes", as I was extremely angry. Then I revoked the divorce on the same day in the presence of my wife and two male witnesses. What is the ruling on this?

A: Your reply by "Yes" to the person who asked you whether you divorced your wife or not is counted as a valid divorce. If this divorce is not the third one, the revocation thereof is valid. However, if the divorce you mentioned in the question is the third one you gave; it is impermissible for you to marry the concerned lady unless she is married first to another man a Shar`y (Islamic legal) marriage, which is not meant to make Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). After that you may marry her by the conclusion of a new contract and the payment of a new Mahr (mandatory gift to a bride from her groom) subject to her consent.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3496

Q: if a man divorces his wife, does he have the right to visit his ex-wife if their children live with her? Can he go to visit his children and reassure himself about them and, during the visit, is it permissible for his ex-wife to sit in the same room as him if their children are present?

A: When a man divorces his wife irrevocably or revocably and she has completed her 'Iddah (woman's prescribed waiting period after divorce or widowhood), the man becomes an Ajnaby (man lawful for the woman to marry) to her like any other man. Accordingly, it is not permissible for him to be in Khulwah (being alone with a member of the opposite sex) with her, but it is not Haram (prohibited) for him to talk to her or to meet with her in a place in the presence of her Mahrams (spouse or unmarriageable relatives). May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 18283

Q 2: a woman had no sexual intercourse with her husband for three months and was, thus, considered unlawful for him, and then he had sexual intercourse with her. Two weeks later, he declared her as unlawful for him. The woman remained in her house for five months and then he divorced her without registration or witnesses; only in the presence of some relatives. She, thus, went out of the house without his permission. After that, he declared that he did not register the divorce and that he could take her back in marriage whenever he wanted since he was more entitled to guardianship than her father. Is it permissible for him to take her back in marriage? What are the conditions to do this?

A: First, if a period of time passes within which a husband does not have sexual intercourse with his wife, this does not render her unlawful for him as long as he has not divorced her. However, if he intends to observe Ila' (husband's oath not to have intercourse with his wife for four months or more), this involves different rulings that should be attributed to Shari`ah courts. **Second,** if a husband divorces his wife once after consummating the marriage and then takes her back in marriage during the `Iddah (woman's prescribed waiting period after divorce or widowhood), the woman is considered his wife again, and he still has two pronouncements of divorce left before she is declared as his irrevocably divorced ex-wife. If he wants to take her back in marriage, it is enough for him to pronounce that he has taken his wife back in marriage in the presence of two male witnesses. If he does not take her back in marriage during the period of `Iddah, she will only be lawful for him with a new contract and a new Mahr (mandatory gift to a bride from her groom) along with her consent. Allah (Exalted be He) states cases of divorcees in Surahs Al-Baqarah and Al-Talaq. **Third,** the Shar`y (Islamically lawful) rulings of Talaq (divorce pronounced by a husband) become effectuated by pronouncing it, even though it is not written or registered with the competent authority. If a legally accountable person pronounces the word of Talaq,

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it occurs. However, further relevant details can be sought at the Shari`ah courts in cases of dispute. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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wakil not carrying out their tasks

Fatwa no. 2791

Q: I married the daughter of my paternal uncle. One day she got angry with me and went to stay with her family. I asked one of her relatives to settle the matter, but he did not. As I intend to take her back in marriage, her father has asked me to bring him a document that she is still my wife. I am asking you to help me with that.

A: If the reality is as you mentioned, no Talaq (divorce pronounced by a husband) has taken effect and she is still your wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 2778

Q 1: i have two wives. i had a dispute with one of them, so i appointed a Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) to divorce her. After three months, i met the Wakil and he told me that he did not divorce her, so i took my wife back in marriage. Afterwards, disputes erupted between us, so i searched for a shaykh to divorce her but i did not find one. What is the ruling on this?

A: If the reality is as you mentioned; that you appointed someone to divorce your wife and after a while you discovered that he did not divorce her, she would not be considered divorced just because you authorized him to divorce her as long as he did not fulfill what you entrusted him to do. Likewise, your intention to divorce your wife and going to a shaykh to end the marriage would not be considered a divorce as long as you did not utter the wordings of divorce or write them. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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intention only does not render divorce counted

Fatwa no. 326

Q: A husband disputed with his wife, and as a result he said to her, "If you are destined to get Talaq (divorce pronounced by a husband),

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it will befall you." What is the consequence of that?

A: If the reality is as mentioned, that he said to his wife after quarreling with her, "If you are destined to get Talaq, it will befall you" and said nothing else, this is not considered Talaq; rather, it is a promise of divorce. If he divorces her after that promise, his Talaq will count. If he does not, this promise will not affect his marital life. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 329

Q: a dispute arose between a husband and his wife "S.S.". The concerned husband thus intended to divorce his wife as he was angry with her. He went back to Riyadh and visited the Guaranty and Marriage Court to do the divorce. He then revoked the divorce on 10/12/1392 a. H. afterwards, the concerned man was asked to bring a photocopy of the request that he submitted to the court. He did so and it read the following: Dear respected President of Guaranty and Marriage Court

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I submit this request to your Eminence to inform you of my desire to divorce my wife S.S.`A. according to Sunnah (whatever is reported from the Prophet). Please take the necessary measures. Date of request is: 08/11/1392 A. H.

Then the Committee called his Eminence the President of the concerned Court and asked him regarding the matter. He replied that `A. R. `A. contacted him and submitted to him the request mentioned above. Thus the President told the man in question that no divorce had taken place and that nothing is registered in the court to that effect. It is worth mentioning that the concerned husband did not submit anything other than his request mentioned above.

A: After the Committee had studied the matter it became clear to us that `A. R. `A did not divorce his wife S.S., he only promised to divorce her, i.e. he did not actually give her a divorce and their marriage is thus still in effect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2035

Q: i got angry with my wife one day and took her to her father's house. i did not say anything,

even though I intended to divorce her later. However, I have not divorced her up till the present time. Now she is pregnant. What is the ruling on that?

A: If the reality is as you mentioned, the woman is still your wife, and taking her to her family is not considered divorce. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4384

Q: My son married a second wife. After that he wrote the attached letter to the judge of Marriage Court on 27 Sah`ban, 1401 A.H. and got a date to announce divorce in Dhul Al-Qa`dah. After he knew the date, he took his first wife and children and traveled to Khamis Mishit, the residence of his first wife's brothers. After he returned, he died in a car accident and we found a paper including the date of announcing the divorce in his pocket. We went to the Marriage Court and told the officials that he had died. They handed us the attached letter and told us to go to the Mufty (Islamic scholar qualified to issue legal opinions) and ask him whether this divorce has taken place or not.

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Please advise!

A: The basic rule is that his second wife is not divorced and she is still his wife and is entitled to inherit from the property he left behind. Whoever claims that the husband divorced her should bring forth the evidence for this claim before the religious judge. as regards the letter he submitted to His Eminence, the judge of Marriage Court, which reads, "I hereby submit this letter to Your Eminence to divorce my wife," it is not enough to confirm divorce. It is not clear evidence of divorce. He might only wish to divorce her and so he made an appointment with the judge of the Marriage Court to announce the divorce and register it, but it is still a possibility and hence it does not entail any legal action. The basic rule is that marriage is existent so long as divorce is not confirmed. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 8190

Q: After I concluded the marriage contract in the Masjid (mosque), I went to my wife's house where I found her brother and his bad friends gathering and singing unlawful songs using a microphone and beating drums. When I heard this, I got upset and left the house.

I met my elder brother on my way out. I told him in a fit of rage to go to her father and tell him that I want to divorce her. It should be noted that I did not mean it at all. I just said so to express my anger.

I need your advice as regards the ruling of Shari`ah (Islamic law) on this issue.

A: If you only said these words to your brother: "I want to divorce her," this does not mean that you have divorced her; it is merely a threat. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6680

Q: I have a wife who bore me three children; the youngest of them is one year old. My wife is illiterate. I was working in the northeastern borders of the Kingdom of Saudi Arabia adjacent to Kuwait. I demanded to be transferred to the southern region so I could take care of my parents, who have no one to support them except me. By the Grace of Allah, Who knows the fraud of the eyes and all that the breasts conceal, then by the help of men in authority - may Allah protect them and

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grant them success - I have been transferred to Al-Qunfudhah, which is about 160 km away from my house. My wife and children serve my parents while I go to work. I visit my family every weekend. My mother is an aged illiterate woman. She and my wife are engaged in disputes. They do not accept each other's advice. I built a small house for my mother at a distance of about 500 km from my house and I told her that everything will be brought to her ready made. My father is a wise and patient man. He always tries to reconcile their views, but my mother does not accept any fault from my wife. one day I returned from work and greeted my mother, who complained to me about my wife's behavior. I tried to advise her to be patient with my wife for the sake of my children as my wife takes care of them, but she burst into tears and blamed me. When she wept, I promised her that I will divorce her and told her to wait until the young child grows up.

A month later, things were back to normal and my wife has started to treat my mother well, perhaps fearing the consequences of her ill-treatment of my mother. I have, thus, changed my mind as regards divorcing her.

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I would like to know the ruling regarding what I did. Is there any sin on me regarding my relation with my wife? Should I keep my promise to my mother? May Allah safeguard you for what you do for all Muslims!

A: If the reality is as you mentioned, that you promised your mother to divorce your wife to calm her down, this promise does not mean that you have divorced your wife and you do not have to divorce her to keep your promise to your mother. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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divorce at the request of a parent

Fatwa no. 1930

Q: A person married a woman who bore him children. His mother is asking him to divorce his wife simply because of a personal reason. His sister together with some benevolent people have tried to convince the mother to give up her request but to no avail. She has even left the house and went to live with one of her daughters. The husband loves his wife dearly and he has never heard of anything bad about her. What should he do? Please give your Fatwa (legal opinion issued by a qualified Muslim scholar).

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A: If the reality is as mentioned; that the wife is an upright woman who is dearly loved by her husband but is hated by her mother-in-law only for a personal reason, the husband is not obliged to divorce her in obedience to his mother. It was authentically reported that the Prophet (peace be upon him) said: ("Submission is obligatory only in what is good (and reasonable).") The husband should, however, be dutiful to his mother and should keep good relations with her by visiting her, behaving kindly towards her, supporting her financially, and providing her with all that brings pleasure to her heart. Allah Alone is the One Whose help is to be sought. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 14506

Q 1: a man married a woman with his parents' consent. after having consummated the marriage, living with her for three years, and having children with her, his mother asked him to divorce his wife without her having done anything wrong, either to her husband or to his mother. The man and his wife both love each other. So what must the man do, should he divorce his wife through fear of being disobedient to his mother or not, bearing in mind

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his love for his wife and compassion for his children?

A: It is obligatory on the man in question to be dutiful to his mother and be as kind to her in words and deeds as he can. If his wife's Din (religion) and character please him, he is not obliged to divorce her. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 18857

Q 3: I am an Egyptian married man. disputes arose between my father and my father-in-law, so my father insisted that I should divorce my wife. He says: "I will repudiate you if you do not divorce her." I have a little girl; what should I do? I am so confused; if I do not divorce her, my father will repudiate me. If I divorce her without a reason, I will wrong not only her but also our little girl. Could you kindly advise and guide me to the right path to follow because I do not want to neglect the rights of anyone. Whom should I prefer; my daughter and her mother or my father who shows hatred for my wife in spite of his deep love for me? I fear his anger. May Allah reward you best!

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A: You have to convince your father to change his mind, but if he insists you must do as he says if his demand is based on a Shar`y (Islamically lawful) reason. However, if his demand is without a Shar`y excuse, there is no need to obey your father in this because the Prophet (peace be upon him) said: ("Submission is obligatory only in what is good (and reasonable).") It is your duty to please your father and ask him for forgiveness; perhaps Allah guides him and he allows you not to divorce your wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The sixth question of Fatwa no. 17332

Q 6: if a mother asks her son to divorce his wife, is it permissible to divorce her in fulfillment of the mother's desire?

A: If the wife whom the mother asks her son to divorce is noted for her piety and is not known to mistreat her mother-in-law, the son is not obliged to divorce her. If otherwise, the son has to advise his wife and if she does not pay heed to advice, he is obliged to divorce her.

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cursing one's wife is not considered a divorce

Fatwa no. 10310

Q: My daughter married a man who assaulted her and cursed her seventy-seven times. We sued him and the judge sentenced him to six days in jail after admitting the act of cursing. The judge allowed his wife to return to him without compensation. I want to know the ruling on this issue. Is it permissible for her to return to him? Please advise, may Allah reward you best!

A: It is not permissible for a person to curse his wife or any Muslim in general. However, cursing does not make the wife unlawful for her husband. She is still his wife because cursing is not a divorce. The husband has to seek Allah's Forgiveness and make Tawbah (repentance to Allah); perhaps Allah may accept his Tawbah and ours.

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The first question of Fatwa no. 13329

Q 1: We live in the Egyptian desert where there are no Shari`ah Courts. We are governed by `Urf (custom) and we are ignorant of many religious matters. However, we have begun to be enlightened by Tawhid (monotheism) and religious knowledge. We have come to know that many of our actions are against Tawhid and Shari`ah (Islamic law). It happened once that a husband traveled to work in Libya and after four years, the family of his wife asked for Talaq (divorce pronounced by the husband) at the request of the wife. After some attempts, the husband's brother divorced her reluctantly, for he first refused arguing that he was not entitled to divorce her as the husband was absent. However, he finally divorced her according to our `Urf, which also gives the father the right to divorce his son's wife in his presence and absence, despite the son's refusal. After the lapse of her `Iddah (woman's prescribed waiting period after divorce), I concluded a marriage contract with her and paid her Mahr. Now, we have two daughters. Please bear in mind that the destination of her husband was known when she was divorced. Our `Urf allows the husband's long absence.

What is the ruling of Shari`ah on this? Kindly advise us. May Allah reward you best!

After studying this case, we hope you would give us your Fatwa (legal opinion issued by a qualified Muslim scholar) concerning the following: 1. What is the ruling on Talaq that is pronounced by anyone other than the husband whether the husband is present or absent? 2. What is the ruling on her marriage to the second husband, bearing in mind that he was aware of the case of her Talaq? 3. What is the ruling on the children if the second marriage is Batil (null and void)? To whom they should be attributed? 4. What is the ruling of Islam on the husband's absence for a long period, bearing in mind that `Urf approves of this? Is there a certain period allowed for the husband's absence? Please explain this issue in detail along with evidence. May Allah reward you best!

A: First, the basic rule concerning Talaq is that it is one of the husband's rights that should be pronounced by him. The Prophet (peace be upon him) said: ("The husband is the only one who has the authority to divorce.") **Second,** the second man's marriage to the woman divorced by her husband's brother is Batil. **Third,** the second husband's children from the woman should be attributed to him because of the doubtful marriage.

Fourth, a man should not be absent from his wife for more than four months unless they both agree. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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divorce pronounced by someone sleeping

The second question of Fatwa no. 3894

Q 2: I dreamed of divorcing my wife who was lying asleep beside me. In the dream, I engaged in indecent talk with her and I pronounced a triple divorce (three simultaneous pronouncements of divorce). What is the ruling on this?

A: There is no blame on you in dreaming that you divorced your wife or that you engaged in indecent talk with her. The divorce will not take effect as the actions of a sleeping person are excused. It is recommended to spit three times to your left side if you happen to have a bad dream and to seek refuge with Allah (Exalted be He) from Satan and from the evil of what you see three times; then you should assume another position of sleep. This is based on the Hadith reported from the Prophet (peace be upon him) which states that whoever does this will not be harmed by the evil of what they see.

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The first question of Fatwa no. 13002

Q 1: a man gave his wife a conditional Talaq (divorce), saying, "If you do not take the television out of the house by 12:00 pm, you are divorced." The wife took the television and put it on the veranda, outside the window of the house, which is not under the roof of the house but is joined to it. Is the Talaq effective and is it Haram (prohibited) for him to live with her?

A: If the husband intended to divorce his wife if she does not take the television out, and she does not take it out, this counts as one pronouncement of Talaq. He can take her back in marriage during her 'Iddah (woman's prescribed waiting period after divorce or widowhood), if this was not the third pronouncement of Talaq. On the other hand, if the husband intended to urge his wife and compel her to remove the television and did not intend divorce, no divorce will take place if she does not remove it. The ruling that applies here is that of breaking an oath, which necessitates a Kaffarah (expiation) for the broken oath, rather than Talaq. The man should feed or clothe ten poor people or free a believing slave. If he can not afford this, he should observe Sawm (Fasting) for three days.

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 6905

Q 2: a man disputed with his wife and then he asked her for sexual intercourse. She agreed if he would divorce her and he said that he would think about it, but because she insisted he agreed without really meaning it. He said he never intended divorce or thought about it; rather, he just wanted to have intercourse and foreplay with her so that her anger would cool. She allowed him to have intercourse with her, but later he doubted that divorce might have taken place since he said that he had agreed to her request. He asked the shaykhs in the Court of Tabuk about that. Some of them said it counted as one pronouncement of divorce; others held that it did not count. The man was later obsessed by doubts, so he considered it one pronouncement of divorce so as to dismiss these doubts and thoughts. He then took her back in marriage. What is the ruling of Shari`ah (Islamic law) on this case? What are its consequences?

A: If the reality is as mentioned, his agreement to her request is a promise

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of divorce, not an actual divorce. This is so provided that he did not give her one pronouncement of divorce after hearing the different opinions of the shaykhs in Tabuk in order to eliminate his doubts. If he did, the divorce would count. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fifth question of Fatwa no. 5172

Q 5: if a man divorces his wife and they have children, is it permissible for him to visit her?

A: If a man grants his wife a revocable divorce, he is permitted to visit her, sit in Khulwah (being alone with a member of the opposite sex) with her, and see any part of her body, as long as she is still in her `Iddah (woman's prescribed waiting period after divorce), whether they have children or not. However, if the `Iddah comes to an end, she is considered a non-Mahram (not a spouse or an unmarriageable relative) for him. Accordingly, it is impermissible for him to sit in Khulwah with her or see any part of her body, except what is permissible for an Ajnabi (man lawful for the woman to marry). If he divorces her in return for money or divorces her three times, she is irrevocable to him and is considered a non-Mahram. In this latter case, it is impermissible for him to sit in Khulwah with her. In case he wants to see his children, he should seek a way other than Khulwah; for example, he can send for his adult children to come to him, send a woman from his Mahrams (spouse or unmarriageable relative) to bring his children to him, or visit his ex-wife in the presence of one of her Mahrams.

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talaq of an insane person

Fatwa no. 13443

Q: If an insane person divorces his wife, is this Talaq (divorce pronounced by a husband) valid?

A: Talaq initiated by an insane person is not valid, as they are not considered Mukallafs (people meeting the conditions to be held legally accountable for their actions), for their minds are affected. It was authentically reported from `Aly (may Allah be pleased with him) that the Prophet (peace be upon him) said, (There are three (persons) whose actions are not recorded: a sleeper until they awaken, a boy until he reaches puberty and an insane until they recover their mind.) Narrated by Abu Dawud and others. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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coerced divorce

Fatwa no. 707

Q: A man had a dispute with the Awliya' (guardians) of his wife so he divorced her by saying: "She is divorced, then she is divorced." Thus he uttered the word divorce twice, this was the first time for him to divorce his wife, and he did not get any consideration for such a divorce. Does this man have the right to revoke the divorce that he pronounced under compulsion from the Awliya' of his wife?

A: If the reality is as you mentioned, that the husband pronounced only two divorces, that he has never divorced his wife before, and that he did not get any consideration for such a divorce, the divorce in question is considered a revocable divorce. The man thus has the right to revoke the divorce so long as his divorcee is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). Yet, if the `Iddah expires before the divorce is revoked; it is permissible for the man to remarry his divorcee after concluding a new contract and paying a new Mahr (mandatory gift to a bride from her groom) subject to her consent and provided that all other conditions and elements of the marriage contract are fulfilled. The couple then can resume their marital life; however, if any divorce takes place in the future it will be counted as the third and final irrevocable divorce. On the other hand, if it is legally proven that the husband was compelled by his wife's Awliya' to divorce her and that he did so only out of fear of being harmed by them; the divorce that he pronounced is not binding based on the general meaning of the Hadith in which the Prophet (peace be upon him) said, ("Allah overlooks what my people do by mistake, forgetfully and under coercion.")

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(Related by Ibn Majah and Al-Daraqutny. Abd-ul-Haqq commented: It has a Sahih (authentic) and continuous Sanad; chain of narration) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 827

Q 1: There was a clash between a man and his wife. She grabbed him by the throat in front of her sister and her brother-in-law, and asked him to divorce her. So he divorced her under coercion by saying, "You are divorced; you are divorced!" He has never divorced her before. Is this divorce revocable?

A: The man divorced his wife under coercion when she seized him by the throat. If she was serious and he feared that she might harm him,

and he could not avoid this harm except by divorcing her, this is considered a coerced divorce. Some scholars mentioned that the criterion of coercion is torture, such as hitting, strangling or using physical violence. Others ruled that coercion is only when one's life or property is at stake by a person who will most probably carry out the threat. In this case, it is considered coercion, and a coerced divorce is not effective. The author of "Al-Sharh Al-Kabir" wrote that the narration related by Ahmad is uncontested and that coerced divorce does not stand. This was narrated on the authority of `Umar, `Aly, Ibn `Umar, Ibn `Abbas and Jabir ibn Sumrah. This was also the opinion of `Abdullah ibn `Ubayd ibn `Umayr, `Ikrimah, Al-Hasan, Jabir ibn Zayd, Shurayh, `Ata', Tawus, `Umar ibn `Abdul-`Aziz, Malik, Al-Awza`y, Al-Shafi`y, Is-haq, Abu Thawr and Abu `Ubayd. The Prophet (peace be upon him) said, ("Allah overlooks what my people do by mistake, forgetfully and under coercion.") (Related by Ibn Majah and Al-Darqutny. `Abdul-Haq commented: It has a Sahih (authentic) and continuous Sanad; chain of narration) However, if it does not reach the degree of coercion, such as if he is able to free himself without being harmed, and still he divorces her, the divorce takes place. If he intends to utter the pronouncement twice, these are considered two pronouncements of divorce. If he only means to confirm that she is divorced, it is considered only one

pronouncement of divorce. In addition, if he has not divorced her in return for a consideration, and he has not divorced her before, this divorce is revocable, and he can return to her as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah expires before he returns to her, or if he has divorced her for a consideration, it is permissible for him to remarry her after concluding a new contract and paying a new Mahr (mandatory gift to a bride from her groom) subject to her consent and provided that all other conditions and elements of the marriage contract are fulfilled. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 10811

Q: A man was brutally beaten by a group of oppressors. They took him to a mountainous area where they threatened to kill him unless he pronounced a conditional divorce. They asked him to make a triple divorce (three simultaneous pronouncements of divorce) conditional upon doing one of the following three things: 1. Following so and so in matters related to Jihad (striving in the Cause of Allah). 2. Hunting them down to avenge the murder of so and so.

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3- Telling anyone about what they had done to him.

The man obeyed them under coercion and they set him free. When he returned home, he did one of the three things by telling his friends what had happened. The man asks whether the divorce he pronounced under coercion has taken effect. Will it also take effect if he does any of the other two things? Please clarify the ruling of Shari`ah (Islamic law). May Allah reward you best!

A: If the reality is as mentioned, no divorce shall take effect even if he does any of the other two things. This is because they forced him to pronounce a conditional divorce and threatened to kill him if he tells anyone about one or all three things. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 294

Q: due to a dispute between me and my wife's family while she was staying with them, I divorced her one time in a fit of temper. It should be noted that I have children from her. I took her back in marriage on the same day in the presence of three witnesses. It was the first time for me to divorce her and it was not in return for granting her Khul` (divorce initiated by a wife for a consideration). She is still in the period of `Iddah (woman's prescribed waiting period after divorce). Does she become lawful for me?

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A: You mentioned in your question that when you divorced her you were in a fit of temper. If you have righteous witnesses to support your claim, this will not be considered a divorce. Otherwise, you have divorced her one revocable divorce. Therefore, taking her back in marriage during her `Iddah is valid and you do not have to conclude a new marriage contract and you do not need her approval. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 778

Q: i married my cousin two years ago, and it happened that i got so angry at a friend of mine that i became irrational and pronounced divorce as i said: 'i deem my wife as divorced if i speak to him again.' I did not determine a certain period, and I do not know whether I pronounced the divorce once or more than that. There was no one else with us, but I could not imagine I would ever speak to him. However, after a year I spoke to that friend and sat with him, and we regained our friendship eight moths ago. What is Your Eminence opinion in this matter? It is noteworthy to mention that I have not consummated my marriage. I spent time alone with my wife many times, but without having sexual intercourse.

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I hope that Your Eminence will give me a legal opinion in this regard, as my father urges me to speed up in consummating the marriage, but he does not know what has happened.

A: If the reality is as you mentioned, that you were out of your mind when you uttered divorce, this saying is contradictory to the basic rule of awareness and having the power to reason when uttering a statement of divorce. This is the basic rule regarding the innate attributes of humans, and it is not changed unless there is evidence to that effect. Based on all that and since there was no one else present with you and your friend, then Talaq (divorce pronounced by a husband) took place. When you said that you do not remember the number of utterances you made, it is a confession on your part of the occurrence of Talaq while doubting the number of pronunciations. As such you are deemed to have divorced your wife only once, and the additional doubted utterances do not count, as legal rulings are not based on doubt. Moreover, you said that you swore not to speak to your friend or else your wife would be divorced without specifying a period. The fact that you have been talking to him for eight months makes Talaq valid and it is for only one time. Furthermore, you said that you talked to this friend during the past eight months, and that you did not have sexual intercourse with your wife since you concluded the marriage contract, but you sat alone with her, so it is permissible for you to remarry her after concluding a new contract

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with new conditions and Mahr (mandatory gift to a bride from her groom) as well as her consent. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 464

Q: i said to my two wives, "You are both divorced; get out!" I did so to take revenge on them because they did not prepare dinner for my guests; a request that I had already made. Is this considered Talaq (divorce pronounced by a husband) for the two wives?

A: In principle, a sane man is aware of what he says. Here, the revenge you wanted to take indicates that you intended to divorce your wives. Thus, what you said is considered one pronouncement of divorce for both your wives. Actually, you are allowed to take both or one of them back in marriage since you did not divorce them previously. This requires that they must still be in their `Iddah (woman's prescribed waiting period after divorce). You must bring two just witnesses when you take them back in marriage. If their `Iddah has already expired, you may revoke the divorce of one or both of them with a new marriage contract and Mahr (mandatory gift to a bride from her groom), provided that they give their consent. If the `Iddah of one of them has expired and that of the other has not expired yet,

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each has its own rulings. In other words, you may take back in marriage the wife whose `Iddah has not yet expired, and conclude a new marriage contract with the wife whose `Iddah has expired. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1081

Q: i quarreled with my wife who provoked me and made me so angry that i said, "Tughati!" (literally meaning "cover yourself", which implies divorce). We have four children. Does my saying this word deem us divorced? Bear in mind that I immediately retracted my word in the presence of two witnesses.

A: If the reality is as you mentioned and you were so irritated that you were unaware of what you were saying and you have evidence thereof, your pronouncement does not make divorce effective. However, if you were aware that what you said carries the meaning of divorce, then it is counted as one revocable pronouncement of divorce. This is because there is a substantiating context, i.e. your quarreling with her resulted in your becoming angry. Yet, if the pronouncement of divorce

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is not the third, and it is true that you revoked the divorce immediately, it will be a valid revocation which retains her under your bond of marriage until two other pronouncement of divorce take place. On the other hand, if such was the third pronouncement of divorce, she will not be lawful to you except after being divorced by another husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 5388

Q: One day, i got angry with my colleagues and took an oath of Talaq (divorce pronounced by a husband) if i ever eat with them again. Two months later, however, we went to perform Hajj and we sat and ate together. Please inform me about your opinion regarding my oath and what I must do. I am really embarrassed and confused. May Allah reward you!

A: If the reality is as you mentioned; that you were angry and took an oath of Talaq, if you were terribly angry that you were not aware of what you said and you were only informed about this oath through your friends, your oath of Talaq is not

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considered and you are not liable to pay Kaffarah (expiation). However, if you were not enraged and you were fully aware of what you said and what was said to you, you have broken your oath not to eat with them and you are liable to pay Kaffarah for an oath. Nevertheless, this ruling is only applicable if by taking this oath you intended to prevent yourself from eating with them and you did not mean to divorce your wife. Otherwise, it would be considered one revocable divorce. In such a case, you may take your wife back in marriage in the presence of two just witnesses as long as she is in her `Iddah (woman's prescribed waiting period after divorce) and you have not divorced her twice before. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa No. (9519)

Q: I married a woman and we loved each other and remained on good terms for six years. One day, she annoyed me and I became so angry that I divorced her in her menses. I then revoked the divorce after which we remained on better terms for three years. I then traveled to the Kingdom where she sent me a letter including many insults and obscene words. I got so furious that I sent her a document of divorce.

One month later, I sent a document of a third pronunciation of divorce. When I came back home, I came to know that it was not her who had sent the letter; rather, it was someone else who confessed his sin. I was driven mad that I was fully unaware. I cried till my tears flowed down my beard and I became like Mughith or even worse, for, in fact, Al-Mughith was not cried for by Barirah. Actually, my wife and I cry for leaving each other as she is also the mother of my child. On knowing about it, scholars asked me to tell them the whole story which I did. One scholar said that he thinks the first pronunciation of divorce was ineffective taking place during menstruation. Another scholar said that divorce was based on a cause which has the effect of rendering divorce ineffective since the effective cause is not existent. He also said that uttering such a cause verbally is not necessary as viewed by Al-Hafizh Ibn Al-Qayyim (may Allah be merciful with him) in his book I`lamul-Muwaqqi`in where he stated: If divorce is based on a cause which turned out to be non-existent, Ahmad views that divorce will not be effective. According to our Sheikh, it is not necessary to utter such a cause verbally and thus it makes no difference whether the cause is uttered verbally or otherwise. Thus, if it turns out that the cause is non-existent, divorce will be ineffective. In fact, this is the only opinion befitting Ahmad's school of jurisprudence and the ultimate inference of scholars' rules. (I`lamul-Muwaqqi`in, P.91 Vol. 3)

Moreover, Al-Hafizh Muhammad Jundalawy, a Hadith memorizer,

scholar and Muhaddith who has studied Sahih Al-Bukhary for seventy years and taught at the university, perhaps you know him, and is an in-law of the great scholar Ihsan Ilahy Zhahir, said something valuable: The third pronunciation of divorce is ineffective as it was sent after the second between which no Ruj`ah (revoking the divorce) took place. This is also the opinion of Shayk Al-Islam Imam Ibn Taymiyyah (may Allah be merciful with him).

A: If the reality is as you have mentioned, regarding the effective cause behind divorce, divorce will be ineffective and inconsiderable. This is because it turned out later that the effective cause was non-existent which renders the divorce null. Likewise, the third pronunciation of divorce is ineffective if its effective cause is the same as that of the second; rather, it will be nonsense in such a case. Moreover, the first pronunciation of divorce is ineffective as it took place during menstruation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

delegation in Talaq

Fatwa no. 317

Q: A man delegated his wife's maternal uncle to divorce her, and then he backtracked on his deed. The husband gathered her relatives and told them that her uncle is no longer entitled to divorce her. Please advise!

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A: It is permissible for a husband to delegate one of his wife's uncles to declare the Talaq (divorce pronounced by a husband). Therefore, if this uncle divorces the wife before her husband backtracks on his delegation, the Talaq takes place. However, it is valid for him to take her back in marriage provided that this Talaq is not the third and she is still in her period of `Iddah (woman's prescribed waiting period after divorce). If her `Iddah has expired and he wants to take her back in marriage, he must conclude a new marriage contract, offer a new Mahr (mandatory gift to a bride from her groom), and she must declare her consent to marry him. In case this Talaq is the third, she becomes unlawful for him unless she marries another man. If the husband backtracks on the divorce delegation that was made for his wife's uncle before the uncle pronounces the Talaq and the uncle knows that the delegation has been cancelled but he pushes ahead with the Talaq, it shall not be counted. This is because it has not been issued by an authorized person. Based on this, the woman shall still be married to her husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 6247

Q: twelve years ago, I delegated someone to divorce my wife as directed in the Sunnah (whatever is reported from the Prophet). Is this permissible? Since she is not married now, is it permissible for me to take her back in marriage if she agrees to marry me?

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A: If your Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) divorced her as directed in the Sunnah and her `Iddah (woman's prescribed waiting period after divorce) elapsed and this was not your third divorce, you may marry her with a new contract, a new Mahr (mandatory gift to a bride from her groom), and with her consent. If he divorced her in a way other than that directed in the Sunnah, it shall not count because you did not delegate him to do so. Moreover, if your Wakil has not divorced her, she is still your wife and you may reconcile her and take her back home. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 5940

Q 2: What is the Islamic ruling on Sunni Talaq (divorce done in accordance to Sunnah) and Bid'i (innovated) Talaq (divorce done without accordance to Sunnah)?

A: A Sunni Talaq is one pronouncement of Talaq made when a wife is pregnant or during a period of Taharah (ritual purity) in which no sexual intercourse has taken place. In contrast, a Bid'i Talaq consists of three pronouncements of Talaq given in one word (ex: "I divorce you thrice." Ed.), or several words (ex: "You are divorced, you are divorced, you are divorced." Ed.), or one pronouncement or more made while the wife is menstruating, in her postpartum period, or in a period of Taharah during which sexual intercourse has occurred.

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10726

Q: What is the Shar`y (Islamically lawful) way of Talaq (divorce pronounced by a husband)? If someone wants to divorce his wife, what should he do? What is the ruling on a person who divorces his wife during her Tuhr (period of ritual purity) after having intercourse with her?

A: the Shar`y way of talaq is as follows: A man divorces his wife one time when she is in her period of Tuhr without having had sexual intercourse with her, then he leaves her to complete her `Iddah (woman's prescribed waiting period after divorce) or deliver her baby if she is pregnant. Divorcing her during her period of Tuhr in which he has had sexual intercourse with her will be considered an innovated Talaq, which is not permissible. The same ruling applies to divorcing her during her menstrual or postpartum period. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13087

Q: Could you clarify what is meant by talaq (divorce pronounced by a husband) according to the Sunnah (whatever is reported from the Prophet), as our scholars hold different views regarding it.

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Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you! All praise be to Allah, Lord of all creation.

A: Talaq according to the Sunnah is that the husband pronounces one single Talaq during the wife's period of Tuhr (period of ritual purity) without the husband having engaged in sexual intercourse with her. Allah (Exalted be He) says: ﴾O Prophet (صلى الله عليه وسلم)! When you divorce women, divorce them at their 'Iddah (prescribed periods)﴿ The Prophet (peace be upon him) said to `Umar (may Allah be pleased with him) when his son `Abdullah divorced his wife during her menstrual period: ﴾"He must take her back in marriage and keep her in his `Ismah (the bond of marriage) until she becomes Tahir (ritually pure), then menstruates, then becomes Tahir. Only then if he wants to divorce her, he may divorce her, while she is Tahir and before touching her; for that is the `Iddah (woman's prescribed waiting period after divorce) as prescribed by Allah (may He be Glorified and Exalted)."﴿ (Related by Al-Bukhari)

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The second question of Fatwa no. 6542

Q 2: does the innovated divorce count? Is it considered a single or triple divorce?

A: Innovated divorce takes several forms. It includes that a husband divorces his wife during her menstrual or postpartum period or during her period of Tuhr (period of ritual purity) in which he had intercourse with her. According to the correct opinion of scholars, these forms of divorce are not effective. Another form of innovated divorce is triple divorce (three simultaneous pronouncements of divorce). This divorce is effective according to the correct opinion of scholars and it counts as one single divorce. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 9541

Q 1: A person married a woman and they enjoyed a peaceful and loving life together. One day he was informed that she said something bad about him;

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so he got very angry and divorced her one time in writing because she was not in the house. This took place during her menstrual period. He, then, discovered that she had not spoken badly about him. The informer wanted to separate them. Is this Talaq (divorce pronounced by a husband) effective?

A: If the reality is as mentioned, the Talaq is not effective because it took place during the wife's menstrual period and the husband was in a rage. Also, the cause of Talaq was fabricated. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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talaq before consummation

Fatwa no. 157

Q: A man married a virgin, but divorced her according to the Sunnah before consummating the marriage. He now wants to return to her, is this permissible?

A: As he divorced his wife before consummating the marriage, this divorce is irrevocable. It is not permissible for him to take her back in marriage unless he makes a new marriage contract with her and gives her a new Mahr (mandatory bride gift) suitable for the like of her, and also after fulfilling the conditions and pillars of marriage.

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May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 872

Q: a man argued with his wife before the marriage was consummated. He dismissed her from his house, saying, "Go to your family," with the intention of divorcing her. Now, he wants to take her back in marriage. When he was asked whether he intended Talaq (divorce pronounced by a husband), he replied that he intended one pronouncement of Talaq. When he was asked why she was in his house since the marriage had not been consummated, he said that she went to his house asking for gold; otherwise she would not agree to consummate the marriage.

A: What the husband said to his wife counts as a single Talaq. As the husband did not consummate the marriage nor did he sit in Khulawh (being alone with a member of the opposite sex) with her, she would only become lawful for him with a new marriage contract and Mahr (mandatory gift to a bride from her groom) along with her consent to marry him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

The ninth question of Fatwa no. 9881

Q 9: a man divorced his wife after concluding the marriage contract but before consummating the marriage. after a week, he said that he did not mean to divorce her and traveled to work abroad and asked her to travel to him to consummate the marriage.

Does this count as Talaq (divorce pronounced by a husband)? If so, should he conclude a new contract, or is it enough to intend to take her back in marriage, given that a woman divorced before the consummation of the marriage has no `Iddah (woman's prescribed waiting period after divorce)? May Allah reward you best!

A: If the reality is as mentioned, his wife is considered irrevocably divorced, and there is no `Iddah for her, for Allah (Exalted be He) says: (O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no 'Iddah [divorce prescribed period, see (V.65:4)] have you to count in respect of them.) It is only lawful for him to remarry her after concluding a new marriage contract and offering her a new Mahr (mandatory gift to a bride from her groom) provided that she gives her consent to marry him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5170

Q: a divorced woman has to stay in her husband's house until the `Iddah (woman's prescribed waiting period after divorce) expires. How come that a divorcée stays in the same house of her husband until her `Iddah expires?

A: When the husband pronounces a revocable divorce, like the case when he divorces his wife once after the consummation of the marriage with no compensation conditioned, the wife has to remain at her husband's house. It is unlawful for her to leave the husband's house as long as the term of the `Iddah has not expired yet. Likewise, it is unlawful for the husband to drive her out of the house until her `Iddah expires unless a clear act of immorality has been committed. This is because a revocable divorced woman is still considered to be a wife. During the period of `Iddah, the husband has the right to take her back in marriage, even if she does not agree, provided that this is done in the presence of two just witnesses. Neither a new marriage contract nor Mahr (mandatory gift to a bride from her groom) is required from the husband. However, if the husband pronounces an irrevocable divorce, like the case when he divorces her prior to or after the consummation of the marriage while conditioning a compensation for the divorce, she becomes unlawful for him. He may take her back in marriage with a new marriage contract and a new Mahr provided that she gives her consent to remarry him. Pronouncement of irrevocable divorce makes it impermissible for the husband to sit in Khulwah (being alone with a member of the opposite sex) with his ex-wife or to see any part of her body which a non-Mahram (not a spouse or an unmarriageable relative) is not allowed to see. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 2: If a Muslim divorces his wife during her pregnancy, is this divorce valid or not?

(Part No. 20; Page No. 63)

When a husband steals his wife's jewelry, does she have the right to ask him to return it?

A: Firstly: divorcing a pregnant woman is valid and effective. Her `Iddah (woman's prescribed waiting period after divorce or widowhood) ends when she delivers. **Secondly:** If a husband steals his wife's jewelry, she has the right to claim it back, if it is hers or she has borrowed it. However, if the jewelry is the husband's possession or he has borrowed it for his wife, she has no right to demand it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Q 3: Someone married a woman but did not consummate the marriage for four years, after which he divorced her and married another. It should be noted that he did not pay the entire amount of Mahr (mandatory gift to a bride from her groom) and did not consummate the marriage. Is it lawful for the wife and her guardian to take their rights from the husband after divorcing the wife and marrying another? Note that the man did not wait for a month before marrying the other wife. Please enlighten us on this matter.

A: Anyone who divorces his wife before consummating the marriage is obligated to pay her half the designated Mahr, unless she gives up this right. If the man has not designated a Mahr and has not consummated the marriage, the woman is entitled to the Mut`ah (a suitable gift),

based on his financial abilities. The case is not affected by whether the man marries another women or not, or remains married to a woman for a long or short period. Whatever the disagreement, the final decision is with the Shari`ah court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11154

Q: is it permissible for a husband to divorce his wife while she is pregnant?

A: It is permissible for a husband to divorce his wife when pregnancy becomes apparent on her in cases of necessity. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12967

Q: One day in the month of Sha'ban, 1409 A.H., I was having lunch with my colleagues.

They jokingly said to me, "Your wife has gone to her family's house; she no longer wants you." So I said to them, "She is divorced!" They said, "You have divorced her now." I told them that I had not pronounced Talaq (divorce). My colleagues went to the shaykh in Abha, where we were working, and we asked him about the ruling on what had happened. He told them that I had to offer a Kaffarah (expiation). My colleagues took 400 Riyals from me to give to the poor as the Kaffarah. Then I returned home to my wife and family. Two months after that incident, after 'Eid-ul-Fitr (the Festival of Breaking the Fast), I had conjugal intercourse with her. No one, other than the colleagues who were with me at the time, knows anything about what happened. My question now is: Is what we did permissible and valid. Please give us a Fatwa (legal opinion from a qualified Muslim scholar) on this matter and may Allah reward you with the best!

A: If the reality is as you mentioned, you have divorced your wife once, as you said, "She is divorced." This is because divorce becomes effective when pronounced seriously or jokingly. However, you can take her back in marriage as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce), on the condition that you had not previously divorced her twice. If she had not menstruated three times when you had sexual intercourse with her after 'Eid-ul-Fitr, she is still your wife, because having intercourse with her is regarded as taking her back in marriage. If however she had menstruated three times before you had sexual intercourse with her after 'Eid-ul-Fitr and after the pronouncement of the divorce mentioned above, she is not Halal (lawful) to you as a wife, except through a new marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and his Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 20121

Q 1: My brother once fell ill and asked his manager for permission to go to hospital. On that day, he left work early. His colleagues were worried and one of them went to ask about him. He accidentally met a friend of my brother and asked him about my brother's health. My brother's friend told him that my brother was sick and that his wife was in her family's house. Two days later, my brother returned to work. He met his colleague who asked him about his health and his wife without telling him what the friend had told him. My brother said jokingly, "I divorced her." Upon that, the colleague said to him, "You have actually divorced her." They both went to consult some shaykhs about this case. Some shaykhs told them that this statement was not considered a divorce, while others told them that this statement was regarded as one pronouncement of divorce. Please give us the ruling on this case. May Allah safeguard you!

A: If the reality is as you mentioned, your brother has divorced his wife once even though he claims that he was lying or joking. This is because divorce becomes effective once it is pronounced, whether this is done seriously or jokingly. However, he can take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce) and he did not divorce her twice before. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Bakr ibn `Abdullah Abu Zayd	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Indirect expressions of Talaq

Fatwa no. 378

Q: once I got angry and said to my wife, "Cover up in my presence." I did not intend to divorce her. Is she regarded as divorced? It should be noted that I neither divorced her before nor granted her Talaq (divorce pronounced by a husband) in return for money, which is known as Khul` (divorce initiated by a wife for a consideration). Eight days have already passed. My wife was in a postpartum period when I said that to her.

A: If the reality is as you mentioned that you said to your wife "Cover up in my presence" when you were angry but you did not intend to divorce her, you have not divorced your wife. This is because the ruling on such situations depends on the husband's intention. The Prophet (peace be upon him) said: ("The reward of deeds depends upon the intentions and every person will get the reward according to what they have intended.") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 304

Q: a man quarreled with his wife and said to her, "I will send your divorce document to your family. Cover your face and send for your family to come and take your luggage." He said that he uttered this statement unintentionally. He did not send

the divorce document to her family, but he only intended to frighten her. He wants to know the ruling on what he said to his wife.

A: The statements "Cover your face" and "Send for your family to come and take your luggage" indicate indirect expressions of Talaq (divorce pronounced by a husband). The preceding statement "I will send your divorce document to your family" and the succeeding statement, "Send for your family to come and take your luggage," explain the intention behind the statement, "Cover your face," which is to divorce his wife. As a result, this is regarded as one pronouncement of Talaq. If he did not divorce her twice before, he can take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce). If her `Iddah has expired before taking her back in marriage, she will not be lawful for him except with a new Mahr (mandatory gift to a bride from her groom) and a new marriage contract provided that she gives her consent to marry him. If this Talaq is the third one, he will not be able to take her back in marriage until she marries another person - not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) - and this person divorces her lawfully or he dies. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 632

Q: There is a person whose brothers in Yemen wanted him to divorce his wife.

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He told them that he would do what they wanted. A member of his family then came and asked him, "Have you divorced your wife?" He replied, "Yes." He told him that lest this person would inform his brothers about him. He said that he made two members of his family as witnesses that he took his wife back in marriage in case what he said was regarded as Talaq (divorce pronounced by a husband). What is the ruling on this matter?

A: If the reality is as mentioned; that one of his family members asked him if he had divorced his wife and he said that he had done so, this statement is regarded as Talaq. This is because Allah's Messenger (peace be upon him) said: ("There are three matters which are taken serious whether they are done seriously or jokingly: granting Talaq, freeing one's slave, and revoking the Talaq.") Accordingly, unless this Talaq is the last of three, it is considered a revocable divorce and he can take his wife back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). If it is proven by two just witnesses that he took his wife back in marriage while she was still in her `Iddah and he did not divorce her twice before, his revocation of the Talaq is valid.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 723

Q: a man gave his wife an irrevocable divorce without knowing the meaning of the word "irrevocable." He claims he did not intend to divorce her thrice. In the divorce document, it is not mentioned that he intended to divorce her twice or thrice, but he intended to pronounce an "irrevocable divorce". He wants to know if he can take his wife back in marriage.

A: We reviewed the divorce document written by `Abdul-Rahman ibn Shibrin, the Imam of Al-Ha'ir Mosque. We then asked Ibn Shibrin if he had informed the husband of the meaning of the word "irrevocable" or the husband had divorced his wife thrice simultaneously, Ibn Shibrin said that he had not explained the meaning of the word "irrevocable" and used no other statements but those mentioned in the divorce document. The husband asked Ibn Shibrin to write down that he gave his wife an "irrevocable divorce". He added that he lived in a remote town and if he returned before the end of her `Iddah (woman's prescribed waiting period after divorce or widowhood), he would take her back in marriage, otherwise she could get married to another person. Considering what is mentioned above, it can be said that such divorce is regarded as one divorce since the reference of the word "irrevocable" is not mentioned in the divorce document and the man uttered it without knowing its meaning. Also, the divorced woman came and said he did not take her back in marriage before the expiration of her `Iddah.

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The husband himself said he had not divorced her before. As a result, it is permissible for the husband to remarry his divorced wife with a new contract and a new Mahr (mandatory gift to a bride from her groom) along with her consent, taking into consideration the fulfillment of the conditions and essential elements of the marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 963

Q: My wife was pregnant, went to stay for some duration with her family. I felt that she stayed there long enough. Therefore, I headed to her place and asked her to come home back saying: "Come home with me or otherwise you are not in pledge of marriage with me." Nevertheless, his wife did not return home with him. Next morning, I revoked my claim and restored marriage and this was the first time to divorce her. Is this resumption of marriage valid?

A: If the reality is as the questioner mentioned, he thus broke his oath and one divorce took place. However, since the questioner had not divorced his wife before; the divorce in question is a revocable one i.e. the husband may revoke the divorce during `Iddah (woman's prescribed waiting period after divorce or widowhood) of his wife.

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As the questioner mentioned that he revoked the divorce the morning that followed the night of the divorce, his revocation is valid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1899

Q: during a dispute between my wife and me, her sister attacked me, hitting me and injuring my head. When I wanted to take my wife and leave, her mother followed me and said, "You cannot leave without divorcing her." I replied, "If you want her to be divorced, I authorize her father to grant her divorce in the same way I can do." She regarded my statement as a divorce, but I intended to free myself from her until some people would come and settle the dispute. Is what I said regarded as a divorce?

A: If the reality is as you mentioned that you did not intend to divorce her by saying, "If you want her to be divorced, I authorize her father to grant her divorce in the same way I can do," but you intended to free yourself from your wife's mother and sister until some people would come to end the dispute, your statement will not be regarded as a divorce. It was authentically reported that the Prophet (peace be upon him) said: ("The reward of deeds depends upon the intentions and every person will get the reward according to what they have intended.")

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8731

Q1: I proposed to my maternal aunt's daughter and concluded a marriage with her. There was a year and a half between the conclusion of the marriage contract and the consummation. During that period, I was afflicted with a psychological illness that shook my soul and destroyed my happiness, and I would have committed suicide, had I not feared Allah. The illness that I suffered from was the feeling that I lacked sexual drive, so I went to some psychiatric hospitals for treatment. I was very anxious, and began to masturbate to test my sexual capability, but I was tormented by this. so I took an oath of triple divorce (three simultaneous pronouncements of divorce) if I masturbated again, but I did do it again. I repeated the oath and masturbated again for a second time, when I was under a dreadful psychological stress during which I was about to lose my mind. Is this divorce in effect or not?

A: First: Practicing masturbation is Haram (prohibited). **Second:** If you intended by the above-mentioned oath to prevent yourself from masturbating and not to divorce your wife, you have to make Kaffarah (expiation) for each of your broken oaths. This is done by feeding ten poor people, clothing them, or freeing a believing slave.

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If you cannot do any of this, you should observe Sawm (Fast) for three days. If the intention behind your oaths was to divorce your wife, you have divorced your wife twice, making one pronouncement of divorce by each oath, if you had consummated the marriage with her. If you did this before consummating the marriage, you have divorced her once. In this case, you can remarry her through a new marriage contract and a new Mahr (mandatory gift to a bride from her groom), according to the conditions required in Shari'ah (Islamic law). You also have to make Tawbah (repentance to Allah) for your sin and ask Allah for forgiveness. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Q 2: After I had consummated my marriage with my wife and we had a child, we started to argue a lot. I used to say to her, "Go to your family," but I have forgotten what I intended by saying that. I recently heard that if a man says to his wife, "Go to your family," and he wants her to do this, his wife becomes divorced.

A: If the reality is as you mentioned and you did not intend to divorce her, this is not counted as Talaq (divorce pronounced by a husband), because the ruling principle is that the original state remains in effect, unless the occurrence of that which overrules is established. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 5048

Q 1: A man married a woman and they had five children.

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The woman began to suffer from a mental illness and so the man married another woman. When the first wife recovered, the man told her that she could choose between staying with her children or him sending her back to her family.

My intention behind giving her this option was Talaq (divorce pronounced by a husband), but she chose to stay with her children. Now I support her financially and she lives with her children. Please advise me on this matter.

A: If the reality is as you mentioned and that by offering her the option of staying with her children or being taken back to her family you intended Talaq, whether she stayed with her children or went back to her family, she is divorced, through one pronouncement of Talaq. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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Fatwa no. 9692

Q: Allah guided me to get married last year during my annual holiday. After my holiday, I took my wife to my parents' house to live with them, as I work in the Kingdom of Saudi Arabia.

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After leaving my homeland, there was misunderstanding between my wife and my mother, which turned into a fierce argument. When I heard the news, I flew into such a rage that i wrote a letter to my wife telling her that i am not responsible for her from today's date onwards, that she could take the furniture and some money, and that she was Mubah (permissible) to other than me (free to marry). Fifteen days later, after reconsidering the matter, I tried to reconcile. I wrote to her father saying that I had taken my wife back. I also contacted his friend Yusuf by phone, to tell him that I had taken her back and he told some people. This is all that happened, and I am sorry that my words and expressions are poor. What should I do, as I want my wife, but I had flown into a rage? I wish I had not sent her that letter of Talaq (divorce pronounced by a husband).

A: If the situation is as you mentioned, what happened from you is regarded as one pronouncement of Talaq. You can take her back in marriage, as long as she is in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) with two just men as witnesses. The 'Iddah is three menstrual periods if she is still menstruating, otherwise it is three months. If the woman is pregnant, it ends when she gives birth. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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Fatwa no. 13406

Q: My wife goes to our next-door neighbors' without telling me. When I returned home from work, I did not find her at home. This has happened many times. I have advised her not to go there, but she does so often. One day, I got angry and took her to her family. I told her father what she was doing and they realized she was mistaken. I told them that if she went to either of those two houses again, she would not be my wife. I do not know whether she has been there again after this talk with her family or not, but when I return home from work now, I find her at home. Please advise me on what I said to her, that if she went to either of these two houses she would not be my wife. Is she unlawful to me? What should I do? Please give me a ruling and may Allah bless you for it!

A: If your intention by saying to your wife, "If you go there, you will not be my wife," was Talaq (divorce pronounced by a husband), and she went, one pronouncement effecting Talaq occurred. You may take her back in marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) provided you had not pronounced Talaq twice before. However, if your intention from these words was to prevent your wife from visiting the neighbors and not to pronounce Talaq, and she then went to visit them, this is not regarded as a Talaq; rather, it comes under the ruling of a broken oath. The Kaffarah (expiation) that should be made for it is to feed ten poor people, clothe them, or free a believing slave. If you cannot do that, you should observe Sawm (Fasting) for three days. If you do not know whether she went to those two houses or

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just one of them, it is not sinful for you to have conjugal intercourse with her. This is because the fundamental ruling is that the 'Ismah (the bond of marriage) continues [as long as nothing breaks it. trans]. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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The third question of Fatwa no. 18020

Q3: A woman is working outside her house and her husband said to her, "If you spend any of your salary, this will be the last thing between me and you." If she spent any of her salary, will she be regarded as divorced from him?

A: if a husband says to his wife, "if you do such-and-such, this will be the last thing between me and you," this is considered an implicit pronouncement of Talaq (divorce pronounced by a husband). If his intention is to divorce his wife, one pronouncement effecting Talaq has occurred, if she has performed the condition hinging upon it. However, if he says it intending to frighten her and prevent her from doing something, but not to pronounce Talaq, he has to make the Kaffarah (expiation) for a broken oath if she does what he forbade her from doing. She is not considered to be divorced, according to the more correct of the two opinions maintained by the scholars. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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The second question of Fatwa no. 1434

Q2: I bought a television and said to my wife, "If you watch any program except religious ones, you will be unlawful to me." One day I came home and saw a serial on the TV. I asked her about it, and she said that she had forgotten to turn it off after a religious program. What is the Islamic ruling on this matter?

A: If the reality is as you mentioned, and she had forgotten to turn the TV off after watching a religious program, your oath is not broken. However, it is not permissible for a husband to say to his wife, "If you do such-and-such, you will be unlawful to me," as this is an infringement upon the Prerogatives of Allah Who is the Only One Who has the right to declare anything as Halal (lawful) or Haram (prohibited). Allah (Exalted be He) says: (O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.) He also says: (O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.) Your wife should not turn the TV on to watch programs other than religious ones. She should also pay attention and turn the TV off when a religious program ends. As for you, you will have to perform the Kaffarah (expiation) for a broken oath, if she deliberately turns the TV on for the programs you wanted to prevent her from watching. This is because such words come under the ruling of oaths, according to the more correct of the two opinions maintained by the scholars.

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It is obligatory that you and your wife should not turn the TV on for watching prohibited programs, such as music and singing, serials that are Munkar (that which is unacceptable or disapproved of by Islamic law and Muslims of sound intellect), and other programs that contain any content that is declared Haram by Allah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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Fatwa no. 2185

Q: On the night of Friday corresponding to 6/10/1398 A.H., I took my wife to a relative's wedding party in a wedding palace. I returned at the time for the Fajr (Dawn) Prayer for my wife and asked her to leave with me. I then sent several people to get her and then I contacted her personally, but she refused to leave the palace until after all the women had left. I then sent a woman to her, asking her to tell her that if she did not leave now, she would be unlawful to me and not enter my house again. The woman contacted her and told me that she refused to come to me. She has not come to my home until now. In fact, she is staying at her father's house until I discuss with him the reason why she refused to leave with me. Please advise me whether it is lawful for me to take her back in marriage or not. Am I sinful for deeming her unlawful to me? Please give me the ruling on this matter, with references,

to convince my wife's father.

A: If the situation is as you mentioned, you must make the Kaffarah (expiation) for a broken oath after your wife returns to your home. This is done by feeding ten poor people five Sa's (1 Sa' = 2.172 kg) of wheat, dates, rice, or the like of which you feed your family, giving half a Sa' to each poor person. Otherwise you can clothe ten poor people or free a believing slave. If you cannot do that, you must observe Sawm (Fasting) for three days, and it is preferable to do this on consecutive days as Allah (Exalted be He) says: ﴾O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.﴿ ﴾And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.﴿ ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much). Thus Allâh make clear to you His Ayât (proofs, evidence, verses, lessons, signs, revelations, etc.) that you may be grateful.﴿

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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Fatwa no. 2418

Q: A basketball player one day became angry and took an oath that makes his wife unlawful to him, i.e., he said, "She will be unlawful to me if I play this sport in the center." he is afraid that he might play there again. What will the ruling be if he plays there again?

A: First: One ought not to be preoccupied with this or other similar sports. It is better for a Muslim to be concerned with what will benefit them in their religion and worldly life. **Second:** If the reality is as you mentioned, if you continue to avoid it, which is preferable for you, you are required to do nothing and it will not affect your relationship with your wife. But if you return, you must make Kaffarah (expiation) for your broken oath, which is to feed ten poor people, giving each one a full meal from the average food that you usually eat. It will also suffice the purpose if you give each of them half a Sa' (1 Sa' = 2.172 kg) of the staple food of your area, or clothe ten poor people, or free a believing slave. If you cannot do this, you must observe Sawm (Fasting) for three consecutive days, as Allah (Exalted be He) says:

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﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾Allâh has already ordained for you (O men) the absolution from your oaths.﴿ Allah (Glorified be He) also says: ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much).﴿ You also have to make Tawbah (repentance to Allah) from this, as it is not permissible for a Muslim to take an oath to regard what is lawful as unlawful. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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The second question of Fatwa no. 2870

Q2: I was sitting with my wife and advising her to be an ideal wife, who would look after her house and appreciate

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her husband, but I said something to her that I deeply regret. I only said it with the intention of rebuking her, and now I wish that I had not said it. I asked Allah for forgiveness the moment I said it. What i said to my wife was: "it is Haram (forbidden) that a woman like you be a man's wife!" Please give me the ruling on this statement, and may Allah grant you the best reward! Does my saying this affect my relationship with my wife? Because - all praise be to Allah - I have no doubts about this, as our relationship is excellent and both of us respect each other. Please give me the ruling on this matter. May Allah bless you for it!

A: Saying to your wife, "It is Haram that a woman like you be a man's wife," is evil speech that is Munkar (unacceptable or disapproved of by Islamic law and Muslims of sound intellect). You have to make Tawbah (repentance to Allah) for this, but you do not have to perform a Kaffarah (expiation). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and his Companions!

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Fatwa no. 4085

Q: About eight months ago, i used to smoke hookah, but one night i vomited due to it, so i swore by Allah not to smoke it again until i had accomplished the purpose i had in mind, and then shortly after i said, "May Allah make my wife Haram (forbidden) to me if i smoke it before I have completed the purpose I have in mind."

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The purpose I intended was to repair my farm and house. However, up to now, I have not finished repairing my farm. One night recently, I agreed to meet some workers in a cafe. I waited for them for about two hours, during which time people around me were smoking hookahs. I could not control myself, and so, after a long struggle with myself, I asked for a hookah. Would you please give me the ruling on this as soon as possible. If I smoke it again, will I be committing a sin, as I may not be able to give it up?

A: First: It is not permissible for you to smoke a hookah, because it is noxious and causes health, social and economic harms. There are proofs that confirm this. **Second:** You have to make Kaffarah (expiation) for your oath to deem your wife Haram to you if you smoke the hookah again, and for swearing by Allah not to smoke it again. Such forbidding of what is lawful comes under the ruling of broken oaths. The Kaffarah for it is done by feeding ten poor people, each of whom will receive half a Sa' (1 Sa' = 2.172 kg) of the usual food of your country, such as rice or the like. We advise you to exercise caution against smoking hookah again, or obeying your desires or Satan, and to avoid bad company. May Allah guide you and protect you from the evil of yourself and the devil! May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and his Companions!

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\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

(Part No. 20; Page No. 86)

Fatwa no. 5045

Q: My wife left my house and went to visit her family without asking for my permission. After she had left, some guests came to the house. I went to bring her with me to extend hospitality to our guests, but she refused to come. A fierce argument broke out between my wife and me and also between my mother-in-law and me, as her mother refused to let her come with me or to return to her house. As a result, I uttered one pronouncement of Talaq (divorce pronounced by a husband). i said, "it is upon me to divorce you if you do not come with me." But she did not come with me. However, I took her back in marriage after that. A short time after her return to my house, there was an argument between my cousin and me, as he had insulted me and hit me. I said, "It is Haram (forbidden) for me to return evil with evil and my wife is Haram for me"? Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this.

A: First: If the reality is as you mentioned and you did not intend by saying to your wife who refused to go with you, "It is upon me to divorce you if you do not come with me," to divorce her by such a statement if she did not comply with you, and you said it only to urge her to go with you, then no divorce occurred because of it. Rather, you have to make Kaffarah (expiation) for a broken oath, according to the more correct of the two opinions of the scholars. On the other hand, if you did intend to divorce her by saying so, in case she refused to comply with you, she is divorced due to that, through one pronouncement of Talaq.

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Your taking her back in marriage is valid as long as she was in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) and you had not had divorced her twice previously. **Second:** You have to make Kaffarah for your broken oath for saying, "My wife is Haram (forbidden) for me if I return evil with evil," as long as you did not carry out what you said. You also have to make Tawbah (repentance to Allah) from this action, as it is not permissible for Muslims to declare Haram what Allah has made Halal (lawful) for them. The Kaffarah you have to perform for your broken oath is to feed ten poor people, clothe them, or free a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days. The amount of food that must be given as Kaffarah is half a Sa' (1 Sa' = 2.172 kg) of the usual food of your country, according to the Sa' of the Prophet (peace be upon him) or what is equivalent to it. Half a Sa' is 1.5 kg and should be given to each of the ten poor people. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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Fatwa no. 6082

Q: I am a student who was sent to study outside the Kingdom of Saudi Arabia, and I am married. One day, during a discussion between me and my colleague, I mentioned something to him, but he did not believe me. Even when I swore to him by Allah, he did not believe me. So i became angry and said, "My wife will be Haram (forbidden) for me if i am not telling the truth," so he would be convinced.

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I also said some other things that I cannot remember now. However, after thinking the matter over I realized that I had not told the truth. I asked some people about this, but I have not found a Fatwa (legal opinion issued by a qualified Muslim scholar) that will set my heart at rest. My wife at present is in Saudi Arabia and she is pregnant.

A: Your wife is not divorced, as long as when you made the oath, declaring her to be Haram for you, you thought that you were telling the truth, even though in reality you were not. However, if you knew at the time of oath-making and forbidding that you were telling a lie, you must make Kaffarah (expiation) for your broken oath. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and his Companions!

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\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 6269

Q: My mother and I had an argument, because I have around ten sheep and my mother used to feed them and she became tired. I was not happy at this, so I asked her to rest, but she refused to do so. So I swore by Allah, "If you do not rest and stop putting the sheep out to pasture and looking after them, I will sell them," but she refused to rest. i then said to her six times, "if you put them out to pasture or feed them, my wife will be Haram (forbidden) to me," but she ignored me and put them out to pasture.

When I come home from work now, I see that she has put the sheep out to pasture, but she has not fed them until now.

A: If the reality is as you mentioned and by saying that your wife would be Haram to yourself you intended to divorce her, if your mother put your sheep out to pasture or fed them, it is regarded as one pronouncement effecting Talaq (divorce pronounced by a husband) on your part. You may take your wife back in marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) and you have not divorced her twice previously and have not divorced her twice since then. However, if you intended by it to prevent her from putting the sheep out to pasture or feeding them without intending Talaq, no divorce occurred because of it. Instead you have to perform the Kaffarah (expiation) for breaking oath by freeing a believing slave, feeding ten poor people by giving each poor person half a Sa' (1 Sa' = 2.172 kg) of wheat or the like, or clothing them. If you cannot do that, you should observe Sawm (Fasting) for three days. The same ruling applies if you intended by what you said to forbid your wife to yourself rather than divorcing her, you have to perform the mentioned Kaffarah and do not make your wife Haram to yourself again. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5596

Q: a man became angry with his wife and, when his anger heightened, he said to her,

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colloquially, "It will be Haram (forbidden) to me if you sit with me." He said this with the intention of relieving his anger and to silence his wife who was yelling at him, infuriating him and gibing at his poverty. She kept saying such things that forced him to say the above-mentioned words. When he said that, his wife went to another room of the house and came to her senses. She asked her husband to forgive and excuse her, which he did. However, his heart will not be at ease until he knows the Islamic legal ruling on this question. Please advise us and may Allah bless you for it!

A: If the reality is as you mentioned, the husband must make the Kaffarah (expiation) for oath-breaking, because he made her sitting forbidden, not her in person. The Kaffarah is performed by feeding ten poor people of the staple food of the country, clothing them, or freeing a believing slave. If he cannot do any of that, he has to observe Sawm (Fasting) for three days. He also has to make Tawbah (repentance to Allah) and Istighfar (seeking forgiveness from Allah) for declaring Haram what Allah made Halal (lawful) for him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7424

Q: My problem is that there was an argument between my wife and my sister,

(Part No. 20; Page No. 91)

during which they exchanged some meaningless words. When I sat with my wife and my sister to understand what they had said, they both swore that they had not said them. My wife said that my sister told her that she used to talk on the phone. When I asked my sister about it, she denied saying such a thing. I became so angry that I uttered something that I had not intended to say. i said, "My wife will be Haram (forbidden) to me if i enter your house again." Meaning my sister's and her husband's house. When my family learned of this, they became angry and said they would not come to my house, unless i went to my brother-in-law's. The last time I went to my brother-in-law's house was about three months ago, as my sister always visits us but we do not visit her. Please advise us.

A: If the reality is as you mentioned and you intended by declaring your wife Haram to you to divorce your wife if you enter your sister's and brother-in-law's house, you have divorced your wife by one pronouncement effecting Talaq (divorce pronounced by a husband) if you have entered their house. You can take your wife back in marriage if she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) and it is not the last and third irrevocable pronouncement of Talaq. However, if you just intended to prevent yourself from entering their house and not to divorce your wife, if you enter their house you have to perform the Kaffarah (expiation) for breaking oath which is feeding ten poor people, clothing them, or freeing a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 6635

Q2: One day, when I was traveling with one of my relatives, we bought some items and then started to compete to pay the bill. I swore that if I did not pay for them my wife would be Haram (forbidden) for me. I then went to get some items from another place, but when I returned I found he had paid for them and he refused to let me pay for them. I hope that you will give me the Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter and may Allah bless you for it! By the way, I am married and so is he.

A: If the reality is as you mentioned and you intended by declaring your wife Haram for you to prevent your friend from paying for the items, you have to make Kaffarah (expiation) for your broken oath by feeding ten poor people, clothing them, or freeing a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days, and it is preferable for them to be successive. But if you intended by this to divorce your wife if he paid for the items, you have divorced your wife by one pronouncement effecting Talaq (divorce pronounced by a husband). You can take her back in marriage as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) and this divorce is not preceded or followed by two pronouncements of Talaq.

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7552

Q: My problem in short is that one day i was with a friend of mine and he told me a secret, asking me not to divulge it to anyone. i swore that if i told anyone, my wife would be Haram (forbidden) to me. After a while, i saw another friend and i told him the secret that my friend confided to me, out of ignorance and forgetfulness. I thereby disclosed the secret that I had taken an oath not to divulge to anyone. What worsened the matter is that I had sexual intercourse with my wife and did not remember the oath I had broken until after having intercourse with her. I hope you can find for me a solution to my problem. May Allah bless you for it! May Allah preserve you for Islam and the Muslims!

A: If the reality is as you mentioned, that you disclosed the secret and also had intercourse with your wife as you forgot about the oath you made, there is no sin on you.

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This is because Allah (Exalted be He) says: ﴾Our Lord! Punish us not if we forget or fall into error﴿ It is also authentically reported from the Messenger of Allah (peace be upon him) that Allah (Glorified be He) said: ﴾I did.﴿ Meaning that Allah responded to the previously mentioned supplication. You must keep this secret throughout your life. If you disclose it intentionally, remembering your oath, you will have to perform a Kaffarah (expiation) for a broken oath if you have intercourse with your wife. This is because declaring your wife to be Haram to you carries the ruling of a broken oath. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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The fifth question of Fatwa no. 6759

Q5: What is the ruling on a husband saying to his wife: "You are Haram (forbidden) to me"?

A: If by declaring his wife to be Haram to him he intended to divorce her, this is considered as one pronouncement effecting Talaq (divorce pronounced by a husband). He can revoke the divorce and take back his wife with whom he consummated the marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), and this declaration of forbidding his wife to himself was not the last and third irrevocable pronouncement of Talaq. In such a case, she will not be lawful to him until after she marries another man and that marriage ends lawfully. As for a wife with whom he has not yet consummated the marriage, it will not be lawful for him to take her back in marriage unless through a new marriage contract, a new Mahr (mandatory gift to a bride from her groom), and with her consent.

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If by declaring his wife to be Haram to him he did not intend to divorce her, this is not considered to be a Talaq, and he has to make Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative) by freeing a believing slave. If he cannot do that, he has to observe Sawm (Fasting) for two successive months. If he cannot do that, he has to feed sixty poor people. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The sixth question of Fatwa no. 6903

Q6: a husband said, "My wife will be Haram (forbidden) to me if I talk to so-and-so." He now feels sorry for saying this. What should he do?

A: If by declaring his wife to be Haram to himself he intended to divorce her if he talked to that person, this is considered as one pronouncement effecting Talaq (divorce pronounced by a husband) if he talked to him. He may revoke the divorce and take his wife back in marriage, as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood) by calling upon two just people as witnesses, unless this was the last and third irrevocable pronouncement of Talaq. If he only intended by saying that to prevent himself from talking to that person, he has to make the Kaffarah (expiation) for a broken oath if he talks to that person. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, and his family and Companions!

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(Part No. 20; Page No. 96)

Fatwa no. 7413

Q: I got married three years ago, but during this time I committed one of the gravest of major sins by having anal intercourse with my wife. I now regret what happened and I turned to Allah. In an attempt to prevent myself from doing it again, i said, "if i have intercourse with her again in her anus, she will be Haram (forbidden) to me." However, I did not tell her what I had sworn not to do. After around two years or more of commitment to my oath, my wife was having her monthly period and I was so sexually excited that I could not control myself and did not have the strength to resist my sexual desire. Although I knew that I had taken an oath not to have anal intercourse with her, I asked her permission to let me do so. She agreed to it just to please me. I then had anal intercourse with her once more. I hope that you will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter, as I love my wife and we have a child. Since I committed this disastrous deed, I have been very anxious and fearful, but I have not told her anything.

A: First: Having anal intercourse with your wife is one of the major sins. You, therefore, have to make Tawbah (repentance to Allah) and ask Allah's Forgiveness for what you have done. You also have to regret what you did, and firmly resolve not to do it again. This is not regarded as a Talaq. **Second:** If by your saying, "If I have intercourse with her again in her anus, she will be Haram (forbidden) to me," you intended to divorce your wife, you have divorced your wife by one pronouncement effecting Talaq (divorce pronounced by a husband), because you did have anal intercourse with her again.

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You can revoke the divorce and take her back in marriage as long as she is still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), unless this Talaq was preceded by two other divorce pronouncements. But if you said it with the intention of preventing yourself from having anal intercourse with her and not to divorce her, it is obligatory on you to perform a Kaffarah (expiation) for a broken oath, as you did have anal intercourse with her after taking the oath not to do. This is done by feeding ten poor people, clothing them, or freeing a believing slave. If you cannot do that, you have to observe Sawm (Fasting) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his and family and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8557

Q: My wife, who bore me six children, was never undutiful to me through all the previous years and I have carried out my responsibilities to her. However recently she has not been compliant in many matters, for example refusing me in bed. I have tried with her many times, but she insists on not having intercourse. She says that she will not sleep in the same bed as me, unless I grant her request, but I am not able to do what she wants.

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Your Eminence, I lost my patience and threatened her, saying, "as for Talaq (divorce), I will never give it to you. as for the other matter, it is forbidden to me (i.e. it is forbidden for me to have intercourse with you)." after saying that I regretted what I had said and so did she. What is the ruling on what I said and what is the solution?

A: If the reality is as you mentioned, you may have intercourse with your wife, but you must also offer Kaffarah (expiation) for your oath. You should feed or clothe ten poor people or free a believing slave. If you cannot afford this, you should perform Sawm (Fasting) for three days. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 12382

Q: in a fit of temper, i told my wife that if she went to her neighbor she would be unlawful for me. She did not go there for a long period of time. However, this neighbor suffered from an illness and needed my wife to visit her. i, thus, allowed her to visit her neighbor, provided that I would offer Kaffarah (expiation) for an oath. As far as I know, this is not considered an oath. Anyhow, I hope Your Eminence will provide me with an answer regarding the Kaffarah for this action. May Allah reward you best, guide you to serve Islam and Muslims, and show

you the right way!

A: In case you have intended to divorce your wife by what you said, the Talaq (divorce pronounced by a husband) has been effective once she visited her neighbor. Nevertheless, you can take her back in marriage during the `Iddah (woman's prescribed waiting period after divorce) as long as it is not the third Talaq. On the other hand, if you have only intended to prevent her from going to her neighbor and she went afterward, what you said is regarded as an oath and you are required to make Kaffarah for an oath, which is feeding ten needy persons, or providing them with clothing, or emancipating a believing slave. If you are not able to do any of these, you must observe Sawm (Fast) for three days. In this way, your wife will not be considered divorced. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul- `Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 14229

Q 1: A Muslim brother has been married for five years and he is used to smoke a lot. as he wants to quit smoking, he has taken an oath saying: "By allah, my wife will be unlawful for me if I do not quit smoking." However, he cannot quit smoking. He is asking about the ruling on his marital life after repeating the previous statement several times.

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Does the person's intention have an effect on such situations? He also asks whether the statement he has uttered considered an irrevocable divorce or Zhihar (a man likening his wife to an unmarriageable relative). Could you kindly advise. May Allah reward you best!

A: If his intention is to prevent himself from smoking and he does not mean divorce, this divorce is not effective and not counted and he should offer Kaffarah (expiation) for an oath. If his intention is to divorce her if he starts smoking again, his wife will be divorced one time and he can take her back in marriage if this divorce is not the third and she is still in her `Iddah (woman's prescribed waiting period after divorce). He also has to offer Kaffarah for his oath. The Kaffarah is feeding ten needy persons, or providing them with clothing, or emancipating a believing slave. If he cannot afford any of them, he must observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 14818

Q: when I want to do something, I say within myself that my wife will be unlawful for me if I do such and such, but later I do it. will Talaq (divorce pronounced by a husband)

be effective?

A: If you only think of this without expressing it verbally, Talaq will not be effective and there are no consequences for your thoughts. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Q 3: is the Talaq (divorce pronounced by a husband) valid when it is written on paper without the husband uttering it verbally?

A: The ruling is no different, whether Talaq occurs in writing or is pronounced by word of mouth. When you write that something is forbidden to you, intending to swear your wife will be divorced if you do such thing, the divorce takes place when you break your oath. It counts as one pronouncement of divorce which can be revoked so long as it is not the third pronouncement and the woman's `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired. On the other hand, if you intend to take an oath to urge and encourage doing something or warn against something and you do not mean to initiate divorce, no divorce takes place as a result of breaking the oath. In such case, Kaffarah (expiation) for oath is required. You are to feed or clothe ten poor persons or to manumit a believing slave. If you can not afford this, you should fast for three days. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 20; Page No. 102)

Fatwa no. 12012

Q: i have sisters who go out for study. Once i took an oath that they would not go out for study anymore. However, they went out for study the following year. it should be noted that when i swore i said: "By Al-Haram (the unlawful), you will not go out for study anymore." I hope you will answer my question. Have I committed a sin this way? Please enlighten me.

A: If by saying, 'By Al-Haram', you meant that you will divorce your wife if they went out, it will be considered a divorce and it is permissible for you to take your wife back in marriage during or after the expiration of her `Iddah (woman's prescribed waiting period after divorce or widowhood) by concluding a new marriage contract if you have not divorced her twice before. However, if you just said it to prevent your sisters from going out, its ruling is the same as that of a broken oath, so you must make Kaffarah (expiation) for an oath; which is manumitting a Muslim slave, feeding ten needy people each getting a half of Sa` (1 Sa` = 2.172 kg) of wheat, rice, dried dates or the common food of the country, or providing them with clothes. If you are unable to afford any of these, you must fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13094

Q: i had a quarrel with a Muslim brother

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because I heard that he spoke ill of me. I was infuriated and so I said to him, "I declare my wife unlawful for me if you ever set foot in my house." My intention was to pronounce a single Talaq (divorce pronounced by a husband). Indeed, there was no contact between us for a while, but later some good people reconciled us and I forgave him. It is worth mentioning that my father loves this person dearly and has been very angry at my behavior. What is the ruling on what I said in this fit of temper?

I hope Your Eminence would give me a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding this for I fear committing sins. May Allah safeguard you and make you a source of help for Islam and Muslims!

A: If by saying, "I declare my wife unlawful for me...." you have intend Talaq and this person has set foot in your house, only one single Talaq takes effect. You can take your wife back in marriage as long as her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired yet and you have not divorced her twice before. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul- `Aziz ibn `Abdullah ibn Baz

(Part No. 20; Page No. 104)

Fatwa no. 14438

Q: I live in an Egyptian village. Once I had an argument with my father about visiting and touching the graves of Awliya' (pious people) with veneration. He knows that I go to a specific Masjid (mosque) in our village where most of the people who frequent it do not adopt such deviating beliefs. When I tried to forbid him from what he is doing, he took an oath that I should not enter this Masjid again. He said, "If you enter this Masjid, your mother will be unlawful for me." I care for my brothers and I do not want to ruin the family by breaking this conditional oath. Nevertheless, I want to offer Salah (Prayer) behind an Imam (the one who leads congregational Prayer) who adheres to the principles of Tawhid (monotheism), because I am keen to enter Jannah (Paradise) and I know the prohibition of offering Salah behind those who excessively esteem the graves of righteous people. Will my mother be divorced if I enter this Masjid? If it is considered Zhihar (a man likening his wife to an unmarriageable relative) and I ask my father to offer Kaffarah (expiation) so that I will be able to enter the Masjid, will it be considered as precipitating something destined by Allah (Exalted be He); ruining the family? If it is Zhihar, will I be allowed to offer the Kaffarah from my father's money without his knowledge? What should I do? Please answer me in detail, simply and quickly. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: If your father's intention when taking the oath was Talaq (divorce pronounced by a husband), entering this Masjid would make your mother's Talaq effective. In this case, your father can take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce) and this is not the third time of Talaq.

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If your father's intention when taking the oath was to prevent you from going to this Masjid and not Talaq, entering the Masjid would not result in Talaq. However, your father has to offer Kaffarah for his oath, which is emancipating a believing slave, or feeding ten needy persons, or providing them with clothing. If he cannot do any of these, he should observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15737

Q: i have told my wife that she would be unlawful for me if she accompanies me to my workplace in Al-Salil, but now i regret saying this. What should i do? May Allah grant you success!

A: If you intend by what you have said to effectuate the Talaq (divorce pronounced by a husband), a single Talaq will be effective once you break your oath, but you can take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce) and this is not the third time of Talaq. However, if by your oath you only intend to prevent her from accompanying you to your workplace and you do not intend Talaq, you must offer a Kaffarah (expiation) for an oath if she accompanies you, and this will not be considered Talaq. The Kaffarah in such case is feeding ten needy persons,

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or providing them with clothing, or emancipating a believing slave. If you are unable to do any of these, you must observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Ruling on a woman deeming herself unlawful to her husband

Fatwa no. 14775

Q: I am married man and I have five children. One night I had a dispute with my wife who stood up, pointed her finger at me, cursed me three successive times, and then declared me unlawful to her three times by saying: "You are unlawful to me. You will never be lawful to me again." Thereupon, I left the house and went to my second wife's house. I hope Your Eminence will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding what my wife did, bearing in mind that she is waiting for me to take her to her family's house since she is insisting not to live with me and the children. Please reply promptly, and may Allah preserve you!

A: Women do not have the right to initiate divorce either by uttering the word of divorce or the word of Tahrim (unlawfulness). Rather, divorce is pronounced only by the husband. Accordingly, what your wife did is not tantamount to a divorce. On the contrary, she is still your wife but must make Kaffarah (expiation) for this oath which is to feed ten

needy persons on a scale of the average of what she eats, clothe them, or manumit a slave. In case that your wife cannot afford any of these compensations, she is to fast for three days. In addition, it is not permissible for a woman to curse her husband, her son, or any other Muslim, for the Prophet (peace be upon him) said in a Hadith related by Al-Bukhari and Muslim, ("Cursing a believer is as sinful as killing him.") He (peace be upon him) also said, ("Those who curse cannot be an intercessor nor witness on the Day of Resurrection.") (Related by Muslim) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 756

Q: a wife said that if her husband did not return home in two months, he would be deemed unlawful for her unless he would provide her with a separate house away from his mother's. The husband returned after a long period of time. The family interfered

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and obliged her to return to her husband and live with his mother in the same house. Are there any consequences for what she said and failed to abide by?

A: If the reality is as mentioned, she has to offer Kaffarah (expiation) for the oath she has broken. This Kaffarah is to emancipate a believing slave, feed ten Miskins (needy persons) each with one Sa` (1 Sa` = 2.172 kg), or provide them with clothing. If she cannot do any of these, she should observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 212

Q: a man was indebted to another for 200 riyals. The creditor took hold of the debtor while he was about to travel to Riyadh, claiming his money. So the debtor took an oath of divorce to send him the money upon reaching Riyadh. Indeed, when the debtor arrived at Riyadh, he sent the money to the creditor. Now he asks: is there anything on him in this case?

A: If the case is as you mentioned, that the debtor took an oath of divorce to send the 200 riyals to his creditor upon arriving at Riyadh, and once he arrived he sent the designated amount, there is no harm on him in this case,

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for he has not broken his oath. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 588

Q: A woman got divorced from her husband and her brother gave her in marriage to another man. When the woman fell ill, she went to stay at her brother's house until her condition improved. However, when her second husband came to take her home, she refused claiming that the treatment was not yet completed and that the doctor prevented her from having sexual relations with her husband. Her husband suspected that her brother wanted her to be divorced in order to return to her first husband. the brother took three, ten, and a hundred oaths of divorce to assure the second husband that he did not even think about returning her to her first husband. the brother says he was truthful when he took that oath. Later, the second husband divorced the woman and everyone thought it would be better for her to return to her first husband, while the brother had no intention of this from the beginning. If the woman returns to her first husband, does her brother's oath of divorce become effective? Please enlighten us!

A: If the reality is as you mentioned, that when the brother took the oath of divorce, he had no intention of returning his sister to her first husband,

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and that the idea of returning her to him came after she was divorced from her second husband, the brother will not be breaking his oath by returning her to her first husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 376

Q: i took the oath of divorce that i would inform someone about a particular matter. My intention was only to assure telling him. This person lives in another city and in order to inform him, I did the following: (i) I sent him a letter containing the information and made sure the letter was delivered. (ii) I went to see him at work but he was on vacation. (iii) I saw him once; however he was not in a position that would allow him to speak with me. (iv) I went to his workplace the same day and gave him the information.

Is the divorce effective or not?

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A: If the reality is as you mentioned, that you told him the information whether through a letter or verbally, you have not broken your oath, since you did what you had sworn to do. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 634

Q: When his son fell ill, his wife asked him to take him to the doctor for treatment. After examining him, the doctor gave him a medical prescription. However, his wife stopped using it because she preferred a traditional Arab treatment. He swore to divorce her if she asked him again to take him to the doctor. Once again the boy got sick and the wife asked her husband to take him to the doctor, forgetting the oath of divorce. The husband went to the doctor forgetting the oath of divorce he had sworn. He and his wife did not recall the oath except after returning from the doctor and he asks: What will be the consequences if the case is as mentioned?

A: There are different views reported from Imam Ahmad concerning the person who does something having forgotten that he has taken an oath of divorce not to do. The more established view in this regard is

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that he did not break the oath by doing the action forgetfully and his oath is still effective. This is the view of `Ata', `Amr ibn Dinar, Ibn Abu Nujayh, Is-haq and Ibn Al-Mundhir. This is also the preponderant view of Al-Shafi`y Madh-hab (school of Jurisprudence) as mentioned in "Al-Khulasah". It is said in "Al-Furu`": This is the preponderant opinion. It is said also in "Al-Insaf": It is the soundest opinion. Shaykh Al-Islam, Ibn Taymiyyah, chose this opinion based on the statement of Allah (Exalted be He): ﴾And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend.﴿ The Prophet (peace be upon him) also said, ﴾"Allah overlooks what my people do by mistake, forgetfully and under coercion."﴿ It should be noted that the man did so unintentionally and he did not break his oath intentionally similar to the one sleeping or the insane whose errors are pardoned. Accordingly, in such a case, the man and his wife did not break the oath due to their forgetfulness and the oath is still effective. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 824

Q: when his son returned from travel, he swore by the unlawful that his son would dine with him. However, the son did not dine with him. He asks about the ruling on saying so.

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A: If the reality is as mentioned in the question, that he swore by the unlawful that his son would have dinner with him that night when he came back from his journey and his son refused to dine with him on that night, it will be a broken oath and the father has to offer a Kaffarah (expiation) for a broken oath, which is, feeding ten needy people half a Sa` (1 Sa` = 2.172 kg) of common food in his country, or clothing them, or freeing a Muslim slave. If he is unable to do so, he has to fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 666

Q: my wife and I paid a visit to my sister in her house. When I wanted to return home, my wife refused saying, "Let me stay for the night at your sister's house or take me to my family's house." An argument ensued between us. I gave my wife conditional divorce saying, "You will never come to my sister's house nor see her except in the house of my other sister." She will be divorced once if she does so. Is this divorce effective if my sister comes to my house? I want to maintain family ties

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seeking the reward from Allah. It is noteworthy that I gave no divorce except this one, and my wife did not go to my sister's house since the divorce was pronounced in Dhul-Qa`dah, 1393 A.H.

A: If the reality is as you mentioned that you issued conditional divorce by making one pronouncement if your wife goes to your sister's house where she wanted to spend the night or sees her except in the house of the other sister, the divorce will not be effective in the following cases: When the other sister or your sister in whose house the argument occurred comes to your house, and when your wife sees either of the two sisters in your house or in the house of the sister in whose house the argument did not take place. However, the divorce will be effective, if your wife visits your sister in whose house the argument took place. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 941

Q: a person's mother asked him to marry his cousin, but he swore an oath not to marry her. Then he married her. He is asking about

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the consequences of the oath he took?

A: If the reality is as mentioned; that he swore an oath not to marry his cousin then he married her, he will be considered as having broken his oath. Accordingly, he is required to offer Kaffarah (expiation) for an oath, which is to emancipate a believing slave, feed ten Miskins (needy persons) - each one half a Sa` (1 Sa` = 2.172 kg) from the staple food of the country, or provide them with clothing. If he cannot afford any of these, he must observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1102

Q: A man proposed to my sister, but I swore twice that my wife would be unlawful for me if I gave my sister in marriage to this person, since I had no idea about his being a Multazim (practicing Muslim) or not and because I was informed of some unpleasant information about him. Afterwards, I knew from some reliable people that this suitor was a pious and an upright person. I, thus, changed my mind about him and so did the whole family; my mother, the bride, and the elder brother. All of us agreed to give the young woman to this person in marriage. It should be mentioned that one of my relatives verified that I swore by divorce not to give my sister in marriage to that suitor, but I did not recall this. Afterwards, the elder brother concluded the marriage contract with the suitor, along with the consent I gave depending on the information I received from the reliable people. Please provide me with a Fatwa (legal opinion issued by a qualified Muslim scholar).

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A: You said that you swore twice that your wife would become unlawful for you if your sister married this person since you had no idea about his being a Multazim or not and because you received some unpleasant information about him. You also mentioned that one of your relatives testified that you divorced your wife, but you could not recall how many times. Finally, you added that the suitor turned out to be a pious person and, therefore, you agreed to give him your sister in marriage and the marriage contract was concluded. If the reality is as you mentioned, you have not broken your oath and you have not divorced your wife by marrying your sister off to the suitor, because you based your oath on misleading information. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2052

Q: A man concluded his marriage contract to a woman, but he did not consummate the marriage. He visited her family, and they treated him badly, so he became angry. After a discussion with a relative of his, he said, "May my wife be unlawful to me if I return to Al-Ta'if where she lives

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except during the summer." This was three months ago. If he visits Al-Ta'if in the summer, what should he do?

A: If the reality is as you mentioned, it is permissible for this man to return to Al-Ta'if where his wife lives before the summer and make Kaffarah (expiation) for an oath, which is feeding ten needy people, half a Sa` (1 Sa` = 2.172 kg) of wheat for each, clothing them or manumitting a believing slave. If he cannot afford that, he must observe Sawm (fasting) for three days. However, if he goes there in the summer, he does not have to make Kaffarah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2040

Q: i visited a friend after a long period of absence abroad. He wanted to slaughter an animal to serve me with but i said, "Your food will be unlawful for me if you exaggerate in entertaining me." i said this so as to prevent him from bearing this expense, but he insisted. i begged him not to let me break my oath and i asked Allah for Forgiveness after he left. Indeed, he slaughtered an animal and said it was permissible for me to eat from it and it was not proper to declare it unlawful. He promised after having our dinner,

he would take me to a shaykh to clarify the issue for me. I thus ate from the food though I doubted the matter. It may be worth mentioning that I did not intend any divorce by what I had said to my friend. I only intended to refrain from eating of the animal because I did not want my friend to bear the high cost. Am I considered a sinner? Do I have to make any Kaffarah (expiation)? Am I subject to any Had (ordained punishment for violating Allah's Law)? May Allah reward you good!

A: If the reality is as you mentioned, you have only to make Kaffarah (expiation) for an oath which is to feed ten poor people five Sa`s (1 Sa` = 2.172 kg) of wheat, dates, rice, etc. on a scale of the average of that with which you feed your family. You thus give every poor person half of a Sa`. You may alternatively clothe ten poor people, or free a slave. If you cannot afford any of this, you must fast three days preferably in succession. In addition, you have to make Istighfar (seeking forgiveness from Allah) and abstain from declaring lawful things as unlawful to you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2884

Q: One day I argued with my nephew in his home. We continued debating

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until I got very angry. I thus said to my nephew: "If I walk over your doorstep, my wife will no more be with me in marriage." I along with my family then immediately left my nephew's home. Afterwards, I felt very sorry for swearing such an oath regarding my nephew's home. This oath affected my relationship with my elder sister as I became unable to enter the concerned home or visit my sister there. In other words, I severed the ties of kinship with my sister who did not commit any fault. Could you please give me a Fatwa on the oath in question so that I become able to visit my sister and nephew? May Allah guide you to all goodness! Verily, Allah is All-Hearing; Oft-Responding.

A: If the reality is as you have mentioned, you have to connect the ties of kinship with your sister and nephew for Allah (Exalted be He) commands Muslims to maintain such ties. However, after entering your nephew's home, you have to offer a Kaffarah (expiation) for the concerned oath. Such a Kaffarah is to feed ten Faqir (poor) people five Sa`s (1 Sa` = 2.172 kg) of wheat, dates, rice, etc. of the same kind that you provide for your family. You have thus to give each poor person half a Sa` of any of these staple crops. However, if you are unable to do so; you have to observe Sawm (Fast) of three - preferably successive - days. Allah (Exalted be He) says: ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much). Thus Allâh make clear to you His Ayât (proofs, evidence, verses, lessons, signs, revelations, etc.) that you may be grateful.﴿

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The same ruling that is mentioned in this Ayah (Qur'anic verse) applies to the oath that you swore regarding making your wife unlawful to you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa 4986

Q: I have a question for which I hope to have a detailed answer from your Eminence. It is about two points related to one issue:

First: I married my half-brother's maternal half-sister. This brother is my elder half-brother. My father had been married to the mother of this girl and she bore him my elder half-brother.

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My father then divorced her mother and she married another man and bore him this girl. My father had me from another wife who is the full-sister of the mother of that girl. So my father married the two sisters one after the other. The girl's mother is thus my maternal aunt. However, I am not convinced that this marriage is permissible. I consulted many judges about the permissibility of this marriage and they all said it is permissible. But I have my doubts about it even though I have four children from this girl.

Second: I married this girl early in my life. Indeed, I was not committed to religion at the time. I used to neglect Salah (Prayer) yet I did not commit unlawful deeds. During this period of my life I used to swear oaths of divorce repeatedly every now and then without fulfilling my oaths of divorce. I do not think now that I was serious regarding divorce. But I am sure that I do not want to divorce my wife. I have never argued with her or made an oath of divorce in her face or behind her back intending divorce. Two years ago, Allah blessed me with righteousness and genuine repentance to Him. Thanks to Allah, I now observe all religious acts of worship yet I find the oaths of divorce I made during the days of ignorance stand in the way of my relationship with my wife, so I abandoned her more than a year ago

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until I receive a Fatwa from your Eminence with regards to the oaths I had made and their impact upon our marriage. I hope to receive your Fatwa regarding these two points.

A: First: If the reality is as you have mentioned with regards to the relationship to your wife, your marriage conforms with the Shari`ah; because her being your aunt's daughter and a half-sister to your brother and a daughter to your father's ex-wife does not prevent you from marrying her according to the Shari`ah; because there is no religious text that prohibits it and the basic rule is permissibility. **Second:** If the reality is as you have mentioned, you used to swear oaths of divorce repeatedly, not fulfill your oaths, break your oaths without intending to give divorce but to prevent your wife doing something, you have to offer Kaffarah (expiation) of a broken oath for every time you broke your oath. A Kaffarah of a broken oath is to feed or clothe ten needy people or free a Muslim slave. If you are unable to do so, you have to fast three days. It is sufficient for you to distribute five Sa` (1 Sa` = 2.172 kg) of wheat, rice, or maize, or the like of what your family eat to ten needy people, each one half a Sa` for every time you have broken your oath. If you do not remember how many times you have broken your oath, you may guess it and offer Kaffarahs according to the

number of times you guessed.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9161

Q: while discussing a problem with my mother caused by my wife who was absent during the discussion, I took the following oath: "I swear by Allah, the Greatest, that I will not make peace with my wife and she will not be my wife after today." Indeed, I was angry with her. I was aware of what I said and meant divorce. This is the first time I divorce my wife. I would like to know the ruling on this from the Shari`ah of Allah (Glorified and Exalted be He).

A: If your oath of divorce is meant to produce divorce, your wife is divorced one time and it is permissible for you to return to her in marriage during `Iddah (woman's prescribed waiting period after divorce or widowhood) by paying a new Mahr (mandatory gift to a bride from her groom) and concluding a new marriage contract. If this was the third time for you to divorce her, it is unlawful for you to return to her in marriage unless she gets married to another husband who consummates marriage with her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9372

Q: I married a fatherless woman and her brother acted as her Waliy (a legally accountable person acting for a woman seeking marriage) for the conclusion of the marriage contract. I married her with her consent as well as with the consent of her mother. They both signed the marriage contract in the presence of the marriage registrant. I issued a marriage document number thirteen on 11/3/1405 A.H. from the Shari`ah Court of Tayma'. However, the problem was that my wife's paternal uncle was against the marriage and claimed that I did not register the contract in the court. In order to convince him, I gave him the sealed marriage document which he refused to return to me. He insisted that I should divorce my wife. In the heat of the moment, I pronounced a single talaq (divorce pronounced by a husband). I did not consummate the marriage with my wife. After what her uncle did, I went to some people and told them about what happened.

Please inform me whether this Talaq had taken effect or not. It should be noted that I told her brother and mother about what happened and they told me to get prepared for the consummation of the marriage and to take my wife if the Mufty (Islamic scholar qualified to issue legal opinions) would declare her lawful for me. I again direct the attention to the fact that I was in a fit of temper when I pronounced Talaq and I was forced to it because of her uncle.

A: If the reality is as you mentioned, it is permissible for you to conclude a new marriage contract and offer a new Mahr (mandatory gift to a bride from her groom) in the presence of two just witnesses, provided that the bride and her Waliy give their consent. The pronouncement of Talaq which you made is considered one single Talaq.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 9428

Q: Please be advised that i swore by divorce three times that my wife should not go to her family unless there is an excuse such as an illness or the like. Then, she and her children became ill, and they went to her family's house. They will not return home until i go to them. Please enlighten us, and may Allah reward you good!

A: If the reality is as you mentioned, that you swore by divorce three times that your wife should not visit her family without an excuse, such as illness, she has not broken that oath by going there, as she and her children are ill. She is not considered divorced. Further, we recommend that you do not make a similar oath, as swearing by divorce three times is a Bid`ah (innovation in religion). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 12488

Q 2: A man swore that his wife would become unlawful to him due to a misunderstanding over a trivial matter. What is the solution for this situation? I would like to receive the answer from the Permanent Committee for Scholarly Research and Ifta' supported with evidence. Many thanks, and may Allah guide you and support you!

A: If the man's intent by declaring his wife unlawful to him was to divorce her, this is considered one pronouncement of Talaq (divorce pronounced by a husband). He may return to her as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood), unless this is the third pronouncement of Talaq. However, if it was an attempt to settle the conflict, and he did not intend to divorce her, this takes the same ruling as an oath. Thus he should make Kaffarah (expiation) for an oath, which is feeding ten needy people, clothing them, or freeing a believing slave. If he cannot afford either of these, he must observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 11909

Q: i have a notebook in which a poem is written. Someone opened it and said: This is not yours. i said: "My wife will be divorced once if this is not my writing". i did not recognize that it was not mine because there is another notebook. I thought that he was talking about my writing and I got the whole matter wrong, so could you kindly advise? Will my wife be divorced bearing in mind that this is my first time to do this? It is worth mentioning that I have two children from this wife. Please enlighten me, and may Allah protect you!

A: If the reality is as you mentioned, no divorce will become effective because what counts is what you believed at the time. If your belief contradicts with the reality, this will have no effect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The seventh question of Fatwa no. 16053

Q 7: A Muslim person underwent an operation and one of his relatives went to visit him. The patient took an oath of Talaq (divorce pronounced by a husband) that he would slaughter an animal for his guest, but the guest took a similar oath not to eat any of it. Should the patient slaughter the animal and distribute the meat among the

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weak and poor people or is there a Kaffarah (expiation) for breaking his oath?

A: The man who took an oath of talaq to slaughter a goat to entertain his guest and he did not slaughter it must offer Kaffarah for breaking his oath. The Kaffarah is to feed ten needy people, or provide them with clothing - one piece of clothing for each, or to emancipate a believing slave. If he cannot do any of these, he must observe Sawm (Fast) for three days. This is because the oath of Talaq takes the ruling on breaking an oath if the person does not actually intend to divorce his wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Deputy Chairman	Chairman
Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16733

Q: I am a married man and I have a daughter. I live in the Kingdom of Saudi Arabia and I am late in repaying some of my debts. Once some creditors quarreled with me about this deferred payment and I took an oath of Talaq (divorce pronounced by a husband) not to provide for my wife. After a while, I sent her money. I took that oath in a fit of temper; would Talaq be effective? I performed Tawbah (repentance to Allah) as I considered taking an oath of Talaq an act of Shirk (associating others with Allah in His Divinity or worship). What is the ruling on that?

A: An oath of Talaq is not a permissible oath, and anyone who

takes an oath of Talaq to bind themselves not to carry out an obligatory act must offer the Kaffarah (expiation) for breaking an oath. If by taking an oath of Talaq you intended to prevent yourself from providing your wife with Nafaqah (obligatory financial support), you are required to carry out this obligatory task and offer Kaffarah for an oath. This Kaffarah is to emancipate a believing slave, to feed ten Miskins (needy persons), or to provide them with clothing. If you cannot afford any of these, you must observe Sawm (Fast) for three days. However, if you took the oath of Talaq with the intention of divorcing your wife in case you broke your oath, and then you broke it, it would be considered a single pronouncement of Talaq. In this case, it is permissible for you to take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce), unless this is the third pronouncement of Talaq. The oath of Talaq cannot be considered an act of Shirk. Rather, it is considered an oath if its purpose is to prevent oneself from doing a certain thing. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr ibn `Abdullah Abu Zayd	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16889

Q: I have taken an oath that my wife shall not study or teach. I have intended to divorce her if she engages in studying or teaching. Now, I have changed my mind. What should I do to allow her

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to study or teach? Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward and safeguard you!

A: If you have taken an oath of Talaq (divorce pronounced by a husband), by telling your wife for example, "By Allah! You will be divorced if you study or teach," and she has indeed engaged in studying or teaching, a single pronouncement of Talaq has taken effect. You have the right to revoke the Talaq during the `Iddah (woman's prescribed waiting period after divorce), unless it is the third time of Talaq. If the `Iddah has already expired, you have the right to remarry her with a new marriage contract and Mahr (mandatory gift to a bride from her groom), unless it is the third time of Talaq. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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The second question of Fatwa no. 18045

Q 2: my father swore by Allah, the Greatest, that his wife will be divorced if he eats any food or drinks anything in his brothers' houses. He said, 'By Allah, by Allah, my wife will be divorced three times if I eat or drink at my brothers' houses.' Your Eminence, he swore this oath several years before his wife died. After her death, he married another woman. Will his oath be effective regarding his second wife whom he married after swearing the oath of divorce or not?

A: If your father means by this oath to prevent himself from

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eating or drinking at his brothers' houses and does not intend divorce if he breaks his oath by eating or drinking, he has to offer the Kaffarah (expiation) of a broken oath, that is, feeding ten needy people or clothing them or freeing a Muslim slave. If he is unable to do so, he has to fast three days. If your father meant divorce by his oath and broke his oath, it is considered one revocable divorce. It is permissible for him to retain marriage to his first wife if she is alive when he breaks the oath. However, if the wife is dead, there is nothing required by him. This divorce has no effect on the second wife as long as the oath was before concluding her marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 61

Q: i said to my wife, "You are divorced" when i was in a state of anger, then i took her back. i divorced her again before the legal court. Some years later, i returned to her by contracting a new marriage, then once again i told her, "You are divorced", and we wrote a non-official divorce document. At that time, she was pregnant, and she gave birth to a baby

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boy at her brother's home. Is it legally permissible to return to her?

A: You mention that you divorced her while you were in a state of anger, then divorced her again and remarried her with a new contract, and then divorced her when she was pregnant. As for the second and the third pronouncements of divorce, they are effective. As for the first pronouncement of divorce, if you reached a state of anger so that you became unaware of what you were saying, and you have evidence on that, this pronouncement of divorce will not be effective. In this case, you may return to your wife with a new marriage contract if she consents to it. However, if you do not have evidence to prove that you were too angry to be aware of what you were saying, she is not lawful to you until she marries another man, consummates her marriage to him, he divorces her, and her `Iddah (woman's prescribed waiting period after divorce or widowhood) comes to an end. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 73

Q: due to the insinuations of the Satan, I divorced my wife who lives in the city of Sabya in three pronouncements saying,

"I divorce you, I divorce you, I divorce you" in the same gathering. I have already taken my wife

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back in marriage at that time. Now, she is six months pregnant; could you kindly advise?

A: If you meant by repeating the word of divorce three times, that it is Talaq-ul-Battah (emphasized divorce) to end your relation, then she will be divorced three times and will not be lawful for you except after marrying another husband (who divorces her). However, if you meant by the repetition to confirm and stress the pronouncement of divorce, then she will be divorced one time. If you take her back in marriage immediately after divorcing her or later before giving birth and two upright persons witness this, she will be your wife again and you still have two times of divorce. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 79

Q: It happened that I divorced my wife and wrote to her, "I (...) with all my legal capacity divorce my wife (...) three times. She is unlawful to me and lawful to anyone else. I testify before Allah that I have made three pronouncements of divorce."

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A: Since the husband divorced his wife and wrote the phrase mentioned in the question, this is irrevocable divorce. He explicitly stated that he made three pronouncements of divorce, and then repeated this fact in the end of the phrase. Thus, the husband can only remarry his ex-wife after she has been married to another, genuine consummation has taken place, her second marriage has been duly dissolved and her `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 118

Q: i said to my wife an implicit utterance of divorce three times. Now, i want to take her back in marriage; is it permissible for to do so?

A: If, by saying this utterance, you intended to divorce your wife or you uttered it after a dispute that happened between you or she asked you for divorce and you said it as a response to her request, then you have divorced her for three times

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and in this case she is not lawful for you until she marries another person. That person must consummate the marriage, divorce her and her `Iddah (woman's prescribed waiting period after divorce or widowhood) ends without any tricks. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 129

Q: a misunderstanding took place between my wife N. `a. B. and me, so I sent a letter to her father saying to him: "Consider your daughter free." Then I wrote a paper saying: "I, i.e. `A. F. B., acknowledge that I gave Talaq (divorce pronounced by a husband) to my wife N. `A. according to Sunnah (whatever is reported from the Prophet) in 09/03/1392 A. H." However, in 20/04/1392 A. H. I revoked the Talaq and wrote to my father-in-law: "I thereby revoke the Talaq that I have given to my wife."

We brought the questioner and asked him about the Talaq that he mentioned to his father-in-law in the concerned letter: Is it a different Talaq from the one that was written in the paper? He replied that he gave only one Talaq according to Sunnah because the paper was just

to explain the sentence that was mentioned in the letter, i.e. "Consider your daughter free."

A: Since the questioner mentioned that he only gave one Talaq because the Talaq that he wrote on the paper was to explain the sentence that was mentioned in the letter, i.e. "Consider your daughter free", this Talaq is considered one Talaq only. If this Talaq is not the third Talaq to be given, it is permissible for the concerned husband to revoke the Talaq as long as his wife is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If her `Iddah has already expired, he is only permitted to go back to her in marriage by making a new contract and giving her a new Mahr (mandatory gift to a bride from her groom) subject to her consent. However, if her `Iddah has not expired and the husband has fair evidence that he revoked the Talaq; such a revocation is valid and there is no need to seek his wife's consent or to conclude any new contract. Finally, if the Talaq in question is the third one; the divorcee is not lawful to her ex-husband until she gets married to another man, consummates the marriage, is given Talaq by her second husband, and her `Iddah expires, provided that this second marriage is not done for Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 312

Q: There was a misunderstanding between a husband and his wife, thereupon, he said to her: "I divorce you, then I divorce you, then I divorce you." He claims that he repeated the words to let her hear and did not intend to divorce her three times. Now he asks: Is it permissible to take her back in marriage?

A: If the reality is as you mentioned; that the man said to his wife, "I divorce you, then I divorce you, then I divorce you", the ruling is: This is a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully), so his wife is forbidden for him until she marries another person in a real marriage and not Tahlil marriage (a fake marriage to return to her first husband). As for the claim that he repeated the words of divorce just to let her hear it and did not intend to divorce her thrice, it is not acceptable because the words of divorce were mentioned in a sequence that does not refer to any confirmation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 258

Q: i divorced my wife (R. F.) because of troubles. i divorced her four times,

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saying: (You are divorced, divorced, divorced, divorced) then said, 'You are unlawful to me even after your marriage to another man.' I am an uneducated man and do not know the proper limits of divorce. It was she who drove me to this.

A: If the questioner has not consummated the marriage with this wife, the oath will be considered only one time of divorce, and there is no `Iddah (woman's prescribed waiting period after divorce or widowhood) for the wife. She becomes unlawful for him in marriage unless he concludes a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) and she accepts him as a husband. If he has consummated marriage with her, the oath will be considered an irrevocable divorce. It will be unlawful for him to return her in marriage unless another man marries her then divorces her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 321

Q: A misunderstanding took place between a husband and his wife, driving the wife to take hold of his hand in the street and ask for Talaq (divorce pronounced by a husband). He divorced her by saying, "You are divorced." He could not remember how many times he repeated his words. He brought two of his neighbors as witnesses that he took his wife back in marriage.

A: If the reality is as mentioned; that the husband is not sure whether talaq has been pronounced one time or more,

it will be considered a single Talaq as long as there is no one to bear witness to the number of pronouncements of Talaq, given that the husband admits it. Any other supposition regarding the number of pronouncements of Talaq will be doubtful and cannot overrule the original state of affairs, which states that it is only one pronouncement of Talaq. Accordingly, if this Talaq is not the third, and is not granted in return for some consideration, and it is proven that the husband has taken his wife back in marriage during her `Iddah (woman's prescribed waiting period after divorce), the revocation of the Talaq is valid. However, if her `Iddah has already expired, or he has granted her Talaq in return for some consideration, but it is not the third time of Talaq, he is permitted to marry her again with a new marriage contract and Mahr (mandatory gift to a bride from her groom) along with her consent. Otherwise, if it is the third time of Talaq, she is unlawful for him until she marries another man with a sound marriage contract, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 154

Q: i divorced my wife thrice by writing, "i hereby divorce my wife three times." i did not pronounce Talaq (divorce pronounced by a husband) verbally. This took place following a dispute between us. Later, I took her back in marriage in the presence of witnesses. She, then, offended me once more, so I divorced her three times by writing these

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words "She is divorced, divorced, divorced," without uttering them. Will Talaq be effective despite the absence of witnesses? Will Talaq be effective even if it is not verbally pronounced? Am I permitted to take her back in marriage?

A: If the reality is as mentioned; that you divorced your wife thrice in writing and took her back in marriage in the presence of witnesses, then divorced her again by writing: "You are divorced, divorced, divorced," your wife has become divorced three times. This ruling applies so whether you uttered the word of Talaq or not, as long as you wrote it, and whether or not you had done that in the presence of witnesses. Accordingly, this is considered a major irrevocable divorce and the woman becomes unlawful for you unless she marries another person, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 150

Q: a husband divorced his wife twice, but her guardian claimed before the judge that they were three times. The husband denied that he divorced her three times and insisted that he only divorced her twice. He then got angry and divorced her for the third time. He wants to know if it is permissible for him to return to her in marriage?

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A: Since he mentioned that he had divorced her twice and this is the third time, then it is an irrevocable divorce. She is unlawful for him unless she marries another man through a normal marriage not just to make her lawful for the first husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 355

Q: A misunderstanding took place between one of my wives and me. As I was angry, I said to her, "You are divorced, divorced, divorced." I only intended by this repetition to threaten her and emphasize my first utterance of the word of Talaq (divorce pronounced by a husband). It is worth mentioning that this wife is the mother of four of my children. Is she lawful for me?

A: Since you mentioned that you said to your wife, "you are divorced, divorced, divorced," and your intention was to threaten her and emphasize the first utterance of the word of Talaq; the first utterance counts as one pronouncement of Talaq. However, the second and third utterances of the word are just considered emphasis on the first utterance - as you claimed and none can confirm this but Allah (Glorified and Exalted be He) - and do not count as other pronouncements of Talaq. However, if the Talaq in question is not the third, it is permissible for you to take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce).

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If the `Iddah has already expired, it is permissible for you to take her back in marriage with the conclusion of a new marriage contract whose conditions are fulfilled. Finally, if this Talaq is the third one, she becomes unlawful for you unless she marries another man, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 367

Q: A person divorced his wife twice in writing and took her back in marriage. He then divorced her for the third time also in writing. Is it still permissible for him to take her back in marriage?

A: If the reality is as mentioned; that he divorced his wife two times in writing and took her back in marriage after each time, then divorced her for the third time in writing and sent her to her family, this is considered a major irrevocable divorce. This entails that it is unlawful for him to remarry her unless she marries another person, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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\`Abdullah ibn Sulayman Ibn Mani\`	\`Abdullah ibn \`Abdul-Rahman ibn Ghudayyan	\`Abdul-Razzaq \`Afify

Fatwa no. 400

Q: A husband granted his wife Talaq-ul-Battah (emphasized divorce), which cannot be revoked, before the Judge of Al-Hawtah. Since he was forced by his paternal uncles to pronounce this Talaq (divorce pronounced by a husband), he revoked it upon his will and the will of his ex-wife. Is this revocation valid?

A: If the reality is as mentioned, Talaq-ul-Battah which the man has granted his wife is deemed as a major irrevocable divorce after which the woman - if she has consummated her marriage - is not to be lawful for her ex-husband unless she marries another man and this marriage ends lawfully. In Hashiyat-ul-Muqni`, the author wrote: "A husband may say to his wife, with whom the marriage has been consummated, 'You are divorced and I cannot take you back in marriage.' Imam Ahmad (may Allah be merciful with him) commented to this by saying, 'This Talaq tantamount to a major irrevocable divorce. This is my opinion and the opinion adopted by Madh-hab (School of Jurisprudence) Abu Hanifah.'" Accordingly, the revocation is invalid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 448

Q: my wife and I had a disagreement and I divorced her once.

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We later reconciled and Allah created harmony between us and ameliorated matters. I took back my wife and contacted the judge of Jizan to explain the matter to him. He told me that if this was by mutual consent there is nothing else that we have to do. It should be noted that I had divorced her once before. Please advise me.

A: If the situation is as you mentioned, that you divorced your wife once and you had only divorced her once before, and you took her back in marriage - if you took her back during the 'Iddah (woman's prescribed waiting period after divorce or widowhood) and there were witnesses to your taking her back, it is a valid revocation of divorce and your wife is still considered Halal (lawful) to you. But you have to bear in mind that you only have one pronouncement of Talaq (divorce) left before it becomes irrevocable. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 498

Q: I pronounced Talaq (divorce pronounced by a husband) to my wife twice in 1353 A.H. using the phrase: "You are divorced, then divorced!" and I returned to her based on a Fatwa (legal opinion issued by a qualified Muslim scholar) that was issued by a judge. I divorced her again in 1391 A.H. when I asked the Imam (leader of congregational Prayer) of the Masjid (mosque) to write the divorce paper for my wife, but he did not write anything for me.

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A month later, I asked to take her back, as I said, "I do not want to be asked about divorcing you, so I now want to take you back." This is the end of the question.

The committee found a paper attached to the question that states the following:

On Tuesday, corresponding to 4/5/1393 A.H., I asked A. D. R. K. what his intention was when he said to the Imam of the Masjid, Mihmas, "Write the divorce paper for my wife A. H." He said that his intention at that time was to divorce her once, so he asked Mihmas to write the divorce paper. However, this divorce had been preceded by two separate pronouncements of divorce, which is known by those who witnessed them, and Allah is the best of witnesses. Below are the signatures of two witnesses and A. D., the seal of Al-Bijadiyyah Court, and the seal of Al-Bijadiyyah Judge. This decree was issued at the court.

A: The questioner mentions that he said to his wife, "You are divorced, then divorced!" It is mentioned in the attached paper that he had already divorced her twice, on separate occasions, so there is no contradiction between the two accounts. Him saying, "You are divorced, then divorced!" is considered as two separate pronouncements of divorce, and there is no doubt in this. He also mentions that he asked the Imam of the Masjid to write the divorce paper for his wife, and although he did not write anything, the questioner's intention was clarified in

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the attached paper, in the answer that he gave to His Eminence the Judge of Al-Bijadiyyah Court; that he intended to give his wife one pronouncement of divorce and so he asked Mihmas to write the divorce paper. If the situation is as mentioned, and he took her back in marriage after the first two pronouncements of divorce, while she was still in her 'Iddah (woman's prescribed waiting period after divorce or widowhood), the last pronouncement of divorce is considered as having taken place. Because he said in the question that he told the man to write the divorce paper for his wife and the attached paper shows that his intention was to divorce his wife when he asked the man to write the divorce paper. Therefore, the third and last pronouncement of divorce has taken place. His wife will not be lawful to him until after she marries another man. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 630

Q: upon a dispute between a man and his wife, he divorced her saying: "She is divorced! She is divorced! She is divorced!" He does not know if he said other words or not and whether he said that she is divorced after that or not. He mentioned that he did not mean by the repetition of divorce the number of times of divorce but he wanted to let his mother know and to confirm divorce.

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He wonders if it is permissible for him to return to his wife in marriage or not.

A: If the reality is as mentioned by the person asking for Fatwa, that is, he divorced his wife saying, "She is divorced! She is divorced! She is divorced!" And he does not know whether he said other words or not, and he means by the repetition of divorce to emphasize and make his mother know this, the wife is considered divorced one time. Hence, if it was not the third divorce for him and it was not a compensation-stipulated divorce, it is a revocable divorce. It is permissible for him to return to his wife as long as she is in the `Iddah (woman's prescribed waiting period after divorce or widowhood). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 825

Q: someone divorced his wife three separate times. After each time of divorce, he received a Fatwa (legal opinion issued by a qualified Muslim scholar) confirming the divorce was valid and effective. After the third time of divorce, the husband received a Fatwa stating that his wife is unlawful for him unless she marries another husband (and he divorces her). Yet, the man claims that he asked another scholar who told him that when a wife has many children, she cannot be unlawful for her husband regardless of the number of the said pronouncements of divorce. Accordingly, he went on having sexual relations with his wife who bore him

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two daughters as a result. What is the ruling on attributing the two daughters to him? What is the ruling on the man who is still having sexual relations with this woman who is declared unlawful for him?

A: If the reality is as you mentioned that each of the three divorce statements are said at three separate intervals and all the three are valid, and if it was proven that the husband revoked the divorce within his wife's `Iddah (woman's prescribed waiting period after divorce or widowhood) after the first and second pronouncements occurred, the woman becomes unlawful to this man. He can only remarry her after she has been married to another, genuine consummation has taken place, her second marriage has been dissolved and she has finished her `Iddah, or the second husband has died. Only then can ex-husband remarry her, with a new marriage contract, for a new Mahr (mandatory gift to a bride from her groom) and subject to her consent. On the other hand, if the man did not revoke the divorce after the first pronouncement had taken place or revoked the divorce after the woman's `Iddah had expired, the second and third pronouncements are not valid. He may remarry her with a new marriage contract and they will still have two pronouncements of divorce. Similarly, if he revoked the divorce after the first pronouncement of divorce within her `Iddah, and did not revoke the second divorce or revoked it after her `Iddah had expired, the third divorce will not be valid, whereas the other two pronouncements are effective. He may remarry her, with a new marriage contract, for a new Mahr and subject to her consent. Only one pronouncement of divorce is left for him. In all the three cases where

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the wife is given major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully) or minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract), having sexual relations with her without concluding a marriage contract is a doubtful matter if the husband is ignorant of the ruling. As for the two daughters the wife bore after receiving the irrevocable divorce, they may be attributed to the father. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 800

Q: I divorced my wife (N.S.F.) as mentioned in the attached document. I had divorced her once before; could you kindly advise?

A: If you divorced your wife one time before and then you took her back in marriage during `Iddah (woman's prescribed waiting period after divorce or widowhood), then you divorced her again by saying: "My wife is divorced forever and if she finds a better man to marry, it is good for her," and you did not divorce her except for this time, you may take her back in marriage as long as she is in her `Iddah, and bring two witnesses to witness this. The pronunciation of divorce you uttered is considered one divorce and the second is a single divorce, and you only have with your wife one divorce left.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 739

Q: A man divorced his wife once during Sha`ban. She went to her brother's house. Two days later, she came to her husband's house and they made peace and agreed to resume marital life together. Out of his unawareness, he did not raise testimony for this reconciliation. His wife stayed with him as usual and they resumed their marital life as before divorce. On 12/3/1394 A.H., a dispute arose between them and he got angry at her and said, (You are divorced! You are divorced! You are divorced!) He meant by the repetition of the words of divorce emphasis not the number of times of divorce. He wants to know whether it is permissible for him to return to her.

A: If the reality is as he has mentioned, that is, he divorced his wife during the month of Sha`ban, then made her stay with him for two days after the divorce with the intention of returning to her in marriage, then they resumed their marital life without calling witnesses to witness his return to her, and if this divorce was not the third time, his living with her after

divorce including having sexual intercourse with her while she is in the `Iddah (woman's prescribed waiting period after divorce or widowhood) will be considered a permissibe return to his wife. Because it is mentioned in (Al-Muqni`), "A return to the wife in marriage after divorce takes place by the husband's having a sexual intercourse with her with or without the intention of returning to her." He said in (Al-Hashiyah), "This is the view of the majority of the followers of this school. It is also the view of Sa`id ibn Al-Musayyab, Al-Hasan, Ibn Sirin, `Ataa`, Tawus, Al-Zuhry, Al-Thawry, Al-Awza`y, Ibn Abi Layla, and As-hab-ul-Ra'y (scholars, especially the Hanafis, who exercised personal reasoning to reach judgments in the absence of clear texts). He also said returning to the wife is not valid through intercourse unless there is the intention of returning to her. Al-Shaykh Taqy Al-Din opted for this view and the same was said by Malik and Is-haq. The fact that the husband did not return to his wife in the presence of witnesses does not affect the validity of his return to her; because the view of the school is that it is not obligatory to return in the presence of witnesses. He said in (Al-Muqni`), "Is it a condition for the return to be in the presence of witnesses?" There are two views about this. He said in (Al-Hashiyah): "First: it is not a condition. This is the view of the school as mentioned (in the view of Ibn Mansur) and the majority of the followers of this school. It is also the view of Malik, and Abu Hanifah. They argue that (1) the return to the wife does not require the wife's acceptance, so it does not require the presence of witnesses just like any of the other rights of the husband. (2) Whatever does not require the presence of the guardian does not require the presence of witnesses like sale. The writer of the commentary said, "This is a more appropriate view, Allah Willing." Since the husband mentioned that he had divorced her on 13/3/1394 A.H., saying (You are divorced! You are divorced! You are divorced!) and that he repeated the words of divorce more than once with the intention of making emphasis,

it is considered a second time of divorce. If this is not the third time of divorce, it is permissible for him to return to her in marriage as long as she is still in the `Iddah (woman's prescribed waiting period after divorce or widowhood). If he returns to her in marriage, even if through a new marriage

contract, she stays with him and he only has one time of divorce remaining. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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\`Abdullah ibn Sulayman Ibn Mani\`	\`Abdullah ibn \`Abdul-Rahman ibn Ghudayyan	\`Abdul-Razzaq \`Afify

Fatwa no. 771

Q: My husband divorced me by saying: "You are divorced." Then he abstained from having sex with me for more than three months. Later on, he took me back in marriage by himself without a new contract or Mahr (mandatory gift to a bride from her groom). I was not pregnant at the time of divorce and did not get pregnant until now. Three full menses and four purification periods passed then he divorced me again by saying: "You are divorced." He took me back again in marriage after twenty days then divorced me another time by saying: "You are divorced." Is it permissible to go back to him in marriage and how should this happen?

The following statement is mentioned in the question: "Three full menses and four purification periods passed then he divorced me again."

A: If the matter is as mentioned by the questioner; that her husband divorced her by saying:

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"You are divorced" and she was not pregnant, then he took her back in marriage after she had three menses and four periods of purity, then taking her back in marriage is not valid or considered according to the Shari`ah. His enjoyment with his wife after taking her back in marriage is considered having sex with the doubt of marriage, if they are ignorant about the matters of divorce and taking one's wife back in marriage. They are mistaken for not asking the scholars before resuming their marriage. As for the second and the third times of divorce they are idle talk because the questioner became an Ajnabiyyah (a woman lawful for the man to marry) by the end of her `Iddah (woman's prescribed waiting period after divorce or widowhood) of the first divorce, so his second and third times of divorce are nonsense. If both spouses want to have a sound marriage, they have to conclude a new marriage contract with a new Mahr. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 772

Q: a dispute took place between my wife and me. I got angry and told her twice, "You should know that you are divorced." The third time, I told her, "Return to your father." The first time I intended Talaq (divorce pronounced by a husband). When I found that she took my words too lightly, I repeated the sentence angrily intending a second Talaq.

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When I said to her "Return to your father," I intended to upset her; not to divorce her. This took place on 10 Dhul-Hijjah, 1393 A.H. and I took her back in marriage on 3 Muharam, 1394 A.H. Two people bore witness that I took her back in marriage. When I divorced her, I took her back in marriage, at once, without any witnesses, but someone told me to get witnesses to testify to this. Therefore, I called him to witness that I had taken her back in marriage. This was on the eve of `Eid-ul-Adha (the Festival of the Sacrifice). Her father asked me whether I divorced her and I told him that I did not. Some people asked me the same question and I said, "That is right, but I only intended the first two pronouncements of Talaq." Kindly, guide me.

A: If the reality is as you mentioned that you said to her, "You should know that you are divorced," one after another, and, "Return to your father," and that you meant by the first sentence Talaq and by the second another Talaq, and you did not intend Talaq by the third, then you have divorced your wife twice. Therefore, if you did not divorce her before, and Talaq was not in return for a consideration, your taking her back in marriage is valid, provided that it was during the `Iddah (woman's prescribed waiting period after divorce). If you divorced her once before these two pronouncements of Talaq, she would not be lawful for you until she marries another man with a sound marriage contract and this marriage ends lawfully. If the two pronouncements of Talaq were in return for a consideration, she would only be lawful for you with a new marriage contract, a new Mahr (mandatory gift to a bride from her groom),

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and with her consent. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 791

Q: a man had a dispute with his wife and as a result he told her, "You should know that you are divorced," but his father scolded him and told him that he surely did not mean this. However, the son repeated what he said twice to verify to his father that he meant Talaq (divorce pronounced by a husband).

He is asking whether, in this case, he is entitled to take his wife back in marriage or not.

A: If the reality is as mentioned that he said to his wife, "You should know that you are divorced," then his father scolded him and told him that he surely did not mean this, but he insisted on divorcing her twice in order to verify to his father that he actually meant it; this is considered a revocable divorce provided that this Talaq is not the third one and is not in return for a consideration. Accordingly, he has the right to take her back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). This is because his intention was to confirm Talaq the first time by repeating it the second time. However, if her `Iddah has already expired, or the Talaq has been pronounced in return for a consideration, he can take her back in marriage with a new marriage contract and Mahr (mandatory gift to a bride from her groom), provided that she gives her consent to remarry him

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and the pillars and conditions of marriage are fulfilled. However, if this is the third Talaq, she becomes unlawful for him unless she marries another man, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and consummates the marriage with him, and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1090

Q: a person had a dispute with my wife during which he lost his temper and divorced her. He had divorced her twice before during fits of temper.

His Eminence, the Chairman, sent a letter to Shaykh Sulayman ibn `Aly ibn Dakhil, the chief justice of the High Court in Al-Ta'if, directing him to ask the husband, the wife, and their guardian about the previous times of Talaq (divorce pronounced by a husband), the reasons behind the third time of Talaq, and whether the husband's fit of temper was fierce and outrageous or usual. The chief justice summoned the couple and two witnesses to attest their personalities; the first witness held passport no. 2826/17 issued on

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19/2/1975 from Jeddah and the second one held passport no. 12669/17M issued from Jeddah. The chief justice asked the couple what exactly had happened. The husband said that he divorced his wife once and then he took her back in marriage. He divorced her again and then took her back in marriage. Later they had a dispute during the husband's illness and he divorced her for the third time. He wanted to take her back in marriage if permissible. The wife asserted the husband's words, saying that he had divorced her twice and took her back in marriage after each time. They had a dispute the last time and he was ill and hit her then divorced her in a fit of temper. The wife expressed her willingness to remarry him.

A: Since this man divorced his wife twice and took her back in marriage after each time then he divorced her for the third time, she would not be lawful for him until she would marry another person with a sound marriage contract and consummate the marriage, and this marriage would end lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 1976

Q: On Sunday 2/5/1398 A.H., i had a dispute with my wife and i divorced her twice in a fit of temper. i, then, took her back in marriage. When i divorced her, i said, "i divorce you! i divorce you!" The repetition was only meant for emphasis. I had never divorced my wife before and the Talaq (divorce pronounced by a husband) was not in return for a consideration. Is the revocation of the Talaq valid? I hope to know your Fatwa (legal opinion issued by a qualified Muslim scholar).

A: If the reality is as you mentioned, that you said to your wife, "I divorce you! I divorce you!" and then you took her back in marriage before the completion of her `Iddah (woman's prescribed waiting period after divorce), and that you had never divorced her before or after this time, your revocation is valid. This time is counted as a single Talaq and there are still two more times of Talaq. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 6450

Q 2: i divorced my wife twice and after she completed her `iddah (woman's prescribed waiting period after divorce), i remarried her. Do the two times of Talaq (divorce pronounced by a husband) still count or are they annulled by concluding a new marriage contract?

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A: The two times of Talaq are counted, even if you have remarried your wife with a new marriage contract after the completion of her `Iddah. There only remains one more time of Talaq for you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 6447

Q 1: A man divorced his wife with one utterance of divorce then he took her back in marriage after two weeks. Afterwards, he divorced her with one utterance of divorce after twenty years then he took her back in marriage. Later on, a year later he divorced her with one utterance of divorce and did not take her back. What is the ruling on this divorce? Is it considered a third divorce and she is not lawful for him until she marries another man or what is the ruling?

A: If the reality is as you have mentioned; she is irrevocably divorced with the third time of divorce. She is not lawful for him and has to marry another husband other than him. The marriage must be legal and her new husband must consummate the marriage with her. Her husband must have sex with her then end their marriage by divorce or by the death of her husband and her `Iddah (woman's prescribed waiting period after divorce or widowhood) has to end. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5299

Q: My son-in-law KH. `A. R. divorced my daughter at the beginning of the day and wrote a paper to that effect but did not mention the number of Talaqs (divorce pronouncements) he intended. Towards the end of the day, my son-in-law divorced his wife again without specifying the number of Talaqs. What is the opinion of your Eminence regarding that? Provide me with your beneficial answer please. May Allah reward you.

The committee has read the two papers which are mentioned in the question in which the texts are the following:

First: Yes, I am KH. `A. R. the husband of F. `A. SH., have divorced her while I was of sound mind.

Second: Yes, I am the husband KH. `A. R. holding family record no. 1376 issued on 21/06/1391 A. H. from Huraymila' and of Saudi nationality, divorced my wife F. `A. SH.

A: If the reality is exactly as what is mentioned in the question, that this Talaq was not for a compensation, was neither preceded nor followed by any other Talaq; two valid pronouncements of Talaq are effective, but it is permissible for your son-in-law to revoke the Talaq if the `Iddah (woman's prescribed waiting period after divorce or widowhood) of your daughter has not expired. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5455

Q: I am a young man from the Arab Republic of Yemen. Two and a half years ago, I fell under a magic spell conjured by my brothers-in law that made me hate my wife and leave her. This spell was so powerful that our life together became intolerable. We had a big dispute and my wife started to deny me my rights as a husband, and she seemed unaware of the impermissibility of what she was doing. I do not want to speak at length about this matter since the evil effects of Sihr (sorcery) are known to every one. I divorced my wife after I could not endure the suffering and grief I was living into. The manner of Talaq (divorce pronounced by a husband) was as follows: when the Ma'dhun (marriage registrant) came, he asked me whether I wished to divorce my wife, I answered in the affirmative. He told me that I should say, "I deem her unlawful to me now as she was deemed lawful to me before" and I said that. when my wife came, he told her to repeat the same words and she did. Now that I have undergone psychological treatment, as did my wife, we want to return back to each other. However, this is not acceptable to people who have no idea whatsoever of the hard times we went through. I am quite sure that her family is behind this kind of wicked Sihr, because they live in Bedouin rural villages in which such things are common. I hope that after you study my problem, you will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.

A: If the reality is as you mentioned, your declaring your wife unlawful to you is

considered as one divorce pronouncement, and you may take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce or widowhood). If she has finished her `Iddah, you may still return to her with a new marriage contract and Mahr (mandatory gift to a bride from her groom) and with her consent. However, if this is the last of the three pronouncements of divorce, she is no longer lawful to you unless she marries another man and consummates the marriage with him. If this person dies or divorces her and her `Iddah ends, you may marry her with a new marriage contract and Mahr along with her consent to return back to you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 9527

Q1: What should a person do if he divorces his wife once or twice and wants to return to her? If it is permissible for him to return to her, will there be three times of divorce or one time left?

A: If the husband returns to his wife whom he has divorced once or twice before, he returns to her with the number of times of divorce left. So she will be divorced twice and will have one time of divorce left.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 8925

Q 2: A husband divorced his wife thrice in one pronouncement. Is it considered one time of divorce or three?

A: It is considered one time of divorce according to the soundest opinion of religious scholars. It is also authentically reported that Ibn `Abbas (may Allah be pleased with them both) said, ﴾The (pronouncement) of three divorces during the lifetime of Allah's Messenger (peace be upon him) and that of Abu Bakr and for two years of the caliphate of `Umar (may Allah be pleased with him) was deemed as one time of divorce. Then `Umar (may Allah be pleased with him) said, 'People hasten in a matter in which they are required to observe respite. So, it is recommended to impose it upon them," and he imposed it upon them.﴿ (Related by Muslim in His Sahih book of authentic Hadith) The majority of scholars say that it is considered three times of divorce as seen by `Umar. For further details about these opinions and their evidence

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and to know the preponderant opinion, refer to "Zad Al-M`ad" by the learned scholar Ibnul-Qayyim. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20091

Q: i married my wife according to the Hanafy Madh-hab (School of Jurisprudence), and I divorced her three times. Can I marry her again with a new Mahr (mandatory gift to a bride from her groom) and a new contract according to another Madh-hab without a Muhallil (a man who marries an irrevocably divorced woman for the sole purpose of making her lawful for her ex-husband to remarry)? A Muslim brother told me that this is the Ra'y (personal opinion) of Abu Is-haq.

A: If a man divorces his wife three separate times, this is considered major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). It is unlawful for him to marry her again until she marries another man with a sound marriage contract, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). They must consummate the marriage, and then he must divorce her out of his own wish. This is according to the Ijma` (consensus of scholars), and there is no controversy about this, as it is mentioned by Allah in the Qur'an in His saying, (The divorce is twice, after that, either you retain her on reasonable terms or release her with kindness.) until

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His saying, (And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allâh.) If a person says otherwise, this is not taken into consideration, as it is contrary to the Ijma` of scholars and the text of the Qur'an, and there can be no Ijtihad (juristic effort to infer expert legal rulings) if there is a clear, definitive text. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

talaq for a false reason

Fatwa no. 263

Q: A man received some false letters against his wife, which he believed to be true and gave his wife Talaq (divorce pronounced by a husband) accordingly. Later, he learned that they were fabricated and asks whether his Talaq is effective or not?

A: If the reality is as mentioned that the husband divorced his wife only because of these letters which he thought to be true, but were then found to be false, his Talaq does not count.

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This Talaq falls under the 'conditional divorce' which becomes effective when a certain condition occurs and in this case, the condition has not occurred. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 714

Q: Someone received a four-year jail sentence. During the second year of this term, his father visited him and told him that his wife was causing much trouble in the family and that her presence threatened the family's stability. The husband consequently said, "She is divorced three times". Eight months later, the divorce document was written stating they are three times of divorce. When the husband was released from jail and looked into the matter, it turned out that his wife was innocent and all that was said about her was false. She was even done wrong and there were reasons that made him sympathize with her.

A: The information state that the man divorced his wife based on what was said to him about her, that she caused much trouble in his family and that

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her presence threatened stability. The divorce document was written after the said period of time has elapsed. After the man was released from jail, he discovered that his wife was innocent of all the false accusations his father made and that she did not threaten the family's stability. If all of these matters are proven, the divorce is not effective, since it was based on the authenticity of what was said to him about his wife at that time and which finally turned out to be false. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1010

Q: A man married a woman from Yemen then traveled from Yemen to the Kingdom of Saudi Arabia. Three months later, he received forged letters signed by his parents regarding his wife's conduct. thereupon, he divorced her three times in one pronouncement due to the lies he received. Otherwise, he would not have divorced his wife. The divorce took place in 26/2/1395 A.H. Then, the man received a certified letter from his father in 5/4/1395 A.H. Now, the man wishes to return to his wife

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in the Shar`y (Islamically lawful) way.

A: If the reality is as mentioned, that the man divorced his wife directly after receiving false letters, then he knew the truth through a letter from his father belying the previous letters, this divorce is null and void. Hence, the woman remains his wife and is not considered divorced. He does not need to remarry her or take any action apart from informing her and his family that she is still his wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 146

Q: After I married my cousin, I heard her mother saying that she breastfed my wife and I, when we were babies. When I asked about this kind of breastfeeding, it was said to me that she was unlawful for me. So I divorced her three times after I had asked a lot. If it was said to me that she was lawful, I would not have divorced her. As for my utterance of divorce, I said: "I divorce you, I divorce you, I divorce you." I did so because of what I heard from her mother.

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When I made sure that her mother did not breastfeed me, for she said that she held me in her arms and put her nipple in my mouth but I did not suck any of her milk. My grandmother, the mother of my father, grabbed me by force before I could suck anything. When I heard this, I divorced my wife; will she be lawful for me?

After the Committee has studied the question, the questioner was asked to bring his mother-in-law to make sure of the matter. She was brought in and asked about this matter and her answer comes as follows: I got married to someone while I was a virgin. This man had a nephew. When I married his uncle while he was two years old, I carried him and placed my nipple in his mouth but his grandmother grabbed him in force before he could suckle any of my milk. She said to me: Do not breastfeed him. He did not suckle from me before or after. This man married my daughter and heard that I breastfed him, so he divorced my daughter accordingly. After the Committee studied the question and the answer of the woman, **it's answer comes as follows:** This man divorced his wife by saying: "I divorce you, I divorce you, I divorce you" because he heard the mother saying that she breastfed him. When he asked, he was informed that

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breastfeeding is one of the prohibitions of marriage, He said: If he knew that this breastfeeding does not prohibit marriage, he would not have divorced his wife. The mother came to the Committee and said that she did not breastfeed him but just placed her nipple in his mouth and the grandmother grabbed him by force before he could suckle anything. If the matter is as mentioned, the divorce is not effective and the woman is still his wife. this man divorced her because of something that he thought had happened while it did not actually happen in reality. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1196

Q: A husband was told that his wife frequently visits his uncle's house and they feel uneasy about that. Subsequently, he took an oath that if she went to his uncle's house again, she would be irrevocably divorced. However, later he discovered that what was said about his wife's frequent visits to his uncle's house was not true. Now he asks whether the divorce is effective or not.

A: If the reality is as mentioned, that the man only divorced his wife based on what was said about her repeated visits to his uncle's house and their

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feeling uneasy about that, then it became clear to him that this was not true, Talaq (divorce pronounced by a husband) did not take place because it was not based on true facts. In this case, the man divorced his wife thinking that what he heard about her was true, but it was not. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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conditional Talaq

Fatwa no. 401

Q: A man had a wife then divorced her and married another. The family of his second wife stipulated that if the concerned man takes his previous wife back in marriage, this will be tantamount to giving Talaq (divorce pronounced by a husband) to his second wife. The concerned man committed himself to this. The question is whether if he takes back his previous wife in marriage, his second wife will be regarded as divorced?

A: Since the questioner committed himself to the condition which is mentioned in the question, his second wife will be regarded as divorced if he takes back his previous wife in marriage. Proof for the foregoing is the Hadith in which the Prophet (peace be upon him) says, ﴿Muslims are on (i.e. stick to) their conditions.﴾

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Fatwa no. 684

Q: I have been married to my paternal cousin for seven years now and my sister is married to her brother. one day I said, "If he divorces my sister and lets her daughters stay with her, my wife will receive a triple divorce (three simultaneous pronouncements of divorce) when my sister completes her `Iddah (woman's prescribed waiting period after divorce)." Yet my cousin has refused to divorce my sister. Thus, I have regarded the conditions I laid down as not fulfilled and I have remained with my wife based on that. However, some people have told me that I have committed a sin and that my wife has been divorced since then. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar).

A: If the reality is as you mentioned, that you have made divorcing your wife dependant on your cousin divorcing your sister, approving to let her daughters stay with her, and her completion of the `Iddah, and that all of these conditions have not been fulfilled, you have not broken your oath of Talaq (divorce pronounced by a husband). Your wife is still married to you and it is lawful for you to have sexual intercourse with her, as long as the conditions on which Talaq is suspended have not been fulfilled.

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Fatwa no. 715

Q: the stepdaughter of a man took his watch, so he told his wife, "You will be divorced if you do not bring the watch back to me." She told him, "Do whatever you like." He said, "You are divorced as many times as the number of locusts." The man came to the Committee's headquarters and said that the watch was brought back to him that same afternoon, but it was not the wife who brought it back. He further added that when he took the oath, he neither specified a time limit for returning the watch nor did he specify that the wife in particular should be the one to return it. What is the ruling on what he said?

A: If the reality is as mentioned, that the watch for which he swore to divorce his wife in case it was not returned to him had been brought back to him and that he neither specified a certain time to return the watch nor did he specify that his wife in particular should return it, he had not broken his oath and as a result the divorce had not been effective.

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The second question of Fatwa no. 1644

Q 2: What is the ruling of Shari`ah (Islamic law) on someone who said to his wife, "After you are purified from your next menstruation, you will be divorced"? This man really meant to divorce his wife, but later before her menstrual period, he decided to keep her. Is this considered one time of divorce? Will it also be considered a time of divorce if the husband decides to keep her after she is purified?

A: This is a conditional divorce suspended on a clear condition. It is not meant to urge oneself to do something or to abstain from doing a certain act. The divorce will be effective once the condition is fulfilled, which is being purified after menstruation. It is not permissible for the husband to change his mind after stipulating this condition. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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(Part No. 20; Page No. 175)

Fatwa no. 13380

Q: My wife bore me three children. After giving birth to the third child and weaning him, I asked her not to get pregnant again. i said, "if you get pregnant, you will be divorced." However, i have just found out that she is pregnant even though I have used to take care while having intercourse with her so that she will not get pregnant. I hope Your Eminence will tell me whether Talaq (divorce pronounced by a husband) has been effective or not. May Allah grant you success and guide you to the good, for He is All-Hearer and Responsive!

A: You are sinful for preventing your wife from getting pregnant. Moreover, you have broken the oath of Talaq which you have made dependant on your wife's pregnancy and, thus, Talaq has been effective. You can take her back in marriage before delivery unless this Talaq is the third one. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12820

Q: i said to my wife, "if you tell your mother about our problems or anything that happens between us, you will be divorced and our sexual relationship will be Zina (premarital sexual intercourse and/or adultery), except what i allow you to tell her." I said that to my wife in a fit of rage.

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I could not control my temper and unconsciously said these words. The question now is, if she says anything to her mother about what happens in our house, will she be divorced? Then, if she repeats it once more, will she be divorced a second time? And if she repeats it a third time, will she be irrevocably divorced? Is it permissible for me to go back on my oath and say to her for example, "Say whatever you want to your mother, you will not be divorced"?

A: If, by taking this oath, you intend to divorce your wife if she discloses any of your family problems, then if she discloses any of them, she will be divorced one time. Then, it will be permissible for you to return to her during the `Iddah (woman's prescribed waiting period after divorce or widowhood), if it is not the third time of divorce. However, if your intention is to prevent your wife from disclosing any of your family problems and not to divorce her, then if she discloses your problems, it will not be considered a divorce. This takes the same ruling as a broken oath. You shall make Kaffarah (expiation) for an oath by feeding or clothing ten needy people or freeing a Muslim slave. If you are unable to do so, then you must fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

(Part No. 20; Page No. 177)

Fatwa no. 1470

Q: my wife had a dispute with my daughter-in-law and my son interfered, telling his wife, "I swear by making you unlawful to me that you will be divorced today or tomorrow". He intended to threaten her due to her ill-mannered conduct with his mother. What is the Islamic ruling on that?

A: If the case is as you mentioned, his saying to his wife that she will be divorced on that day or on the following day is not Talaq (divorce pronounced by the husband), rather it is a threat that he could divorce her soon. However, his oath that she will be unlawful for him requires making Kaffarah (expiation) for oath if he does not fulfill it by divorcing her soon. Kaffarh can be made by feeding ten needy persons the average of that which he feeds his family, half a Sa` (1 Sa` = 2.172 kg) of wheat, dried dates or rice or the like for each person, clothing them, or freeing a slave, and anyone who can not afford this should fast for three - preferably consecutive - days. Allah (Exalted be He) says:

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﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾Allâh has already ordained for you (O men) the absolution from your oaths.﴿ And He (Exalted be He) says: ﴾O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.﴿ ﴾And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.﴿ ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much).﴿ In addition, this man should fear Allah and avoid making unlawful what Allah has made lawful. He must perform Tawbah (repentance to Allah) and seek Allah's Forgiveness, for Allah is All-Forgiving and Merciful. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 21307

Q 5: what is the meaning of 'great Hinth' mentioned in the Qur'an [in Arabic]? Is it one of the oaths of divorce,

(Part No. 20; Page No. 179)

such as a man's saying, "By divorce, I will do or not do so and so"?

A: The 'great Hinth' mentioned in the Qur'an in Surah Al-Waqi`ah refers to Kufr (disbelief) and taking idols besides Allah. Ibn `Abbas (may Allah be pleased with him) interpreted 'Hinth' as Shirk (associating others with Allah in His Divinity or worship). This is also the interpretation adopted by Mujahid, `Ikrimah, Al-Dahhak, Qatadah, Al-Suddy and other scholars (may Allah be merciful with them). It is not one of the oaths of divorce. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 2385

Q: my wife left the house to my cousin's and I asked her to return but she refused. So I said to her, "I will declare you divorced if you do not return home and I will beat you when you come back". I did not take that oath intending to divorce her but to beat her and in fact she returned home that same night. What is the ruling on this matter?

A: If the reality is as you mentioned, and you have beaten your wife in order to fulfill your oath, there is no harm on you. Likewise, if you did not fix a certain time for her to return home and you have not beaten her, but you meant to

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threaten her to come back, and indeed she returned, then there is no harm on you. However, if you had meant that she should return home at the time you pronounced your oath, and she had not come back, then you must make Kaffarah (expiation) for an oath whether by feeding ten poor people or clothing them, or freeing a slave. If you cannot afford any of that, you should fast three - preferably consecutive - days. In addition, you should perform Tawbah (repentance to Allah), as it is not permissible for a Muslim to swear by Talaq (divorce pronounced by a husband) or by any creature, rather one should swear only by Allah. The Prophet (peace be upon him) said, ("If someone has to take an oath, they should swear by Allah or be silent.") (Agreed upon by Al-Bukhari and Muslim) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 21307

Q 3: One day a street vender who sells clothes came to my house. As this entails great danger, I forbade my wife from buying clothes from such people. While we were discussing the matter, I swore by divorce. i said, "if you do this again (buy clothes from a street vender), i swear by divorce you will be kicked out of the house."

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My intention was to threaten her only, not divorce her. Many months later, I noticed a piece of clothing that I did not buy. When I asked her about it, she told me that she had bought it from a street vender, and that she forgot the oath I had made. What should I do in this situation?

A: Divorce does not take place if your intention was to threaten her only as you say. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 2415

Q: I prevented my wife from going out to visit one of the families, but her father permitted her. She went out and left the door of the house opened. I talked to her father about the ill-conduct of the family she went to visit. Then I asked him to consider his daughter divorced, if she did not return to her house. However, when I returned home, I sought refuge with Allah from the accursed Satan and I did not divorce her. I only meant to urge her to return home. What is the ruling in this regard?

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A: If the reality is as you mentioned that you only meant by your words to your uncle to urge your wife to return to your house and that you did not divorce her, there is no harm on you. Your words can be taken as a way of threatening or resolving to divorce without doing so. Thus, this is not considered divorce and she is still your wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4744

Q: I am a man who used to smoke cigarettes. My mother gave me one thousand riyals to give up smoking and she conditioned that I should divorce my two wives if I smoke again. So I said: "Both my wives will be divorced if I smoke cigarettes." and took one thousand riyal from my mother under the condition that if I go back to smoking, I will repay her three thousand riyals. However, I am not the kind of husband who may think to divorce his wives. I only desired to take the one thousand riyals and to give up smoking. Provide me with your Fatwa regarding this matter. May Allah reward you with the best.

A: If the reality of the oath you took is what you have mentioned in the question that your intention was only to avoid smoking

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and get the riyals, no Talaq (divorce pronounced by a husband) will be counted if you smoke cigarettes. However, it will be Wajib (obligatory) on you to make a Kaffarah (expiation) for not fulfilling your oath. Such a Kaffarah is to feed ten Miskins (needy persons) on a scale of the average of that with which you feed your family or to give them all five Sa`s (1 Sa` = 2.172 kg) of wheat, dates, rice, or corn, to clothe them by giving a garment to each one of them, or if you can not do any of the foregoing; you have to observe Sawm (Fast) for three days preferably in succession. However, if your intention in taking an oath of divorce was to divorce your two wives if you smoke cigarettes; each one of them will be considered to be given one Talaq (divorce pronounced by a husband) and it is permissible for you to take them back in marriage in the presence of two just male witnesses as long as their `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 5818

Q: My father wanted to grant me and my brothers land from his ranch, but i said, "i declare my wife unlawful to me if i take anything of my father's property while he is

still alive." However, he insisted on his opinion. I want to secure my children's future, and I did not intend divorce at all; I only intended to make it clear that I would not take anything.

A: If the situation is as you have mentioned, that you intended to make it clear that you will not take anything, not to divorce your wife, you have to pay Kaffarah (expiation) for an oath if you take that land, which is feeding ten needy people, clothing them, or emancipating a believing slave. If you cannot do either, you have to observe Sawm (fasting) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 5301

Q: His mother loves pasturing sheep but it increases her sickness. one day, he made an oath to divorce his wife if he did not sell the sheep or give them to a Bedouins but he did not do so. There is a grazer near his village and he will give him the sheep for four days in order not to break his oath. Is this duration enough as he did not fix a certain date?

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A: You will not be breaking your oath if you sell them or give them to one of the Bedouins and this depends on your intention. If you do not do so and you have the intention to divorce your wife, one time of divorce will be counted. If you meant to urge yourself to sell them or give them to one of the Bedouins, your oath must be expiated. The expiation of an oath is illustrated in Allah's saying: ﴿Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much).﴾ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fifth question of Fatwa no. 9044

Q 5: a man swore by allah that his wife must use contraceptive pills and that if she ever becomes pregnant, he will divorce her.

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It is noteworthy to mention that the couple has young children. What is the ruling on this and what should be done? The wife fears divorce will take place if she ignores her husband's instructions.

A: This is not regarded as divorce, but rather it is a threat of divorce. If she does not use the pills, her husband must make Kaffarah (expiation) for an oath, and his wife will not be divorced. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The seventh question of Fatwa no. 9404

Q 7: once I said to my wife while the Mus-haf (Arabic Qur'an) was opened in front of her, "By Allah you will be divorced if you do not recite from the Qur'an now." I do not know whether she recited or not. After a while when I asked her about it, she said she had recited Surah Al-Fatihah inaudibly. I do not know if she was honest or was just lying lest I should divorce her. Is she still lawful to me or she is divorced?

A: If the reality is as you mentioned, then your wife is not divorced, unless she turns out to be lying concerning her reciting from the Qur'an and you had the prior intention of divorcing her if she did not. However, if you only meant to urge her to recite and you did not mean to divorce her,

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you should make Kaffarah (expiation) for an oath if you are sure that she did not recite. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 17671

Q 1: I quarreled with my wife because she left the house and went with her family to the market during my absence. I got angry when I knew about this and I said to her, "Do not leave the house again. If you go to the market, do not return to the house and go to you family's." I have intended to divorce her if she goes to the market again, but now I do not know if the Talaq (divorce pronounced by a husband) will be effective if she goes out to the market with me. I have only meant her going out with her family and not with me. It is worth mentioning that my family lives in Madinah and I work in Yanbu`. I have no objection to my wife going out to the market with a Mahram (an unmarriageable relative), such as her brother, for necessity. Is this permissible? Is it permissible for her to go out if I grant her permission?

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A: If you have intended to prevent her from going out to the market except in your company or the company of a Mahram, there is no problem if she goes out as you have intended and there is no blame on you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 16704

Q: One year ago, my wife and children stayed in Egypt after leaving the Kingdom. My wife invited her mother to stay with her in my house as the latter lives alone after her only son left Egypt. Although the house has many rooms, I knew that my mother-in-law sleeps with my wife in my bed. i asked my wife not to let her mother sleep in my bed as i was upset with her. When my wife seemed hesitant about it, and in a fit of anger, i took an oath that my wife will be unlawful to me if she let her mother sleep in my bed. Two weeks ago, my mother-in-law, who is staying with her son now, visited us. Unaware of the oath, she slept in my bed without my wife's knowledge.

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When my wife discovered that her mother slept in my bed for not more than five minutes, she quickly asked her to leave the bed after telling her about the oath.

My question is: Has the divorce taken place as a result of this? It is noteworthy that my wife did not know that her mother slept in my bed and once she knew she asked her to leave my bed. What would be the ruling if my wife forgot the oath, let her mother sleep in my bed, and rectified the situation upon remembering?

I hope Your Eminence will issue a Fatwa (legal opinion issued by a qualified Muslim scholar) in writing so that I can send it to my wife.

A: If the reality is as you mentioned, that your wife did not let her mother sleep in your bed, there is no harm on you. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 9543

Q 1: a husband was joking with his wife and told her that he would divorce her. He repeated his words three times. In this case,

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will the divorce be effective?

A: This is not considered Talaq (divorce pronounced by a husband); it is just a threat to do so. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 982

Q: I divorced my wife (...) by three pronouncements of divorce according to the Sunnah (whatever is reported from the Prophet), because I heard disgraceful news about her. I wrote the divorce paper without making sure of the news. However, I realized later that these were only rumors. I want to return to my wife, given that she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). Please advise.

A: If the situation is as you have mentioned, the divorce did not take place, because it was based on a suspicion before the occurrence of divorce itself, and it became evident later that it is not true. Returning to her is based on the divorce that has taken place, which is not true. Thus, you do not need to do anything to return to her;

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she is still your wife by virtue of the current marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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divorce before consummation of marriage

Fatwa no. 18212

Q: I proposed to my cousin. My uncle agreed and assured me that she was for me and I thanked him for that. There was no marriage registrar to conclude the marriage contract at that time. Later, I took the oath of divorce many times unintentionally. I did not mean to divorce this girl I was engaged to but took it out of my ignorance. Is this considered a divorce or should I conclude the marriage contract first?

A: Talaq (divorce pronounced by a husband) before concluding the marriage contract is not valid; because Talaq is only initiated by a husband. A fiance who has not yet concluded his marriage contract is not considered a husband and hence his divorce is null and void. The Prophet (peace be upon him) said, ("Truly, Talaq is only initiated by a person who has the right to have sexual intercourse with the woman (i.e. the husband).") He (peace be upon him) also said,

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("There is no Talaq except after marriage.") In addition, your verbal agreement with your uncle to marry his daughter does not conclude the marriage contract, as among the prerequisites for the validity of marriage are the approval of the fiancee explicitly by verbal agreement or implicitly by remaining silent and the presence of two people to witness the Ijab (offer) and Qubul (acceptance) of the marriage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6776

Q: A man swore that every woman he marries will be divorced. What is the ruling on this case?

A: Making Talaq (divorce pronounced by a husband) contingent on something before getting married is not effective, according to the soundest opinion of scholars. This is based on the Hadith related by Al-Tirmidhy as a Hadith Hasan (good Hadith) where the Prophet (peace be upon him) said, ("There is no Talaq

before marriage is concluded.") May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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invalidity of Talaq that is not pronounced or written

The third question of Fatwa no. 8501

Q 3: When a husband intends to divorce his wife for whatever reason and he does not, is his wife considered divorced, or must a pronouncement of Talaq (divorce pronounced by a husband) be made?

A: The mere intention to divorce the wife is not regarded as an effective Talaq. Rather, what counts are the husband's actual wordings or utterances of divorce, whether they are stated or written. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 12171

Q 1: A friend of mine married a girl, whom he did not love, under the pressure of

his family, and especially his parents. After marrying her, he felt he did not want to live with her but since she was going through some hard times, he intended to divorce her once they are over and her psychological condition is better. He occasionally had intercourse with her and she gave birth to two daughters during this period. Then he traveled to a remote region and left her while still intending to divorce her. He was just waiting for the appropriate time and for her circumstances to get better. Some of his relatives tried to dissuade him, but he refused and insisted on leaving her.

Later on, he changed his mind and now he is living with her in the same house.

The question is: Is he sinful for having the intention of divorce without divorcing her?

A: If he did not express his intention of divorce verbally or in writing, divorce is not effective, for the Prophet (peace be upon him) said, ("Truly Allah overlooks what my people say to themselves, as long as they do not act upon it or say it (out loud).") May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4685

Q: I put my question before Your Eminence, and I ask Allah, that you will give me the legal ruling in my case. I divorced my wife, the mother of my only son, once, and registered the Talaq (divorce pronounced by a husband) in the court of Al-dir`iyyah. I wanted to divorce her again in front of witnesses, but without the legal registration because I did not have my identity card when I went to the court that day. I hope that Your Eminence will tell me whether this Talaq is valid, even though it was not legally registered. I did not pronounce Talaq, but I intended it. Later on, I wanted to take my wife back. Is she lawful to me? May Allah guide you to serve the Book of Allah, and the Sunnah (whatever is reported from the Prophet)!

A: If the reality is as you mentioned that you intended Talaq and you went to the court to announce it, but you came out from the court without registering or pronouncing it, then Talaq did not take place and she is still your wife without the need to take her back in marriage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 21351

Q 1: I am married to two women and have children from both of them. They do not stay at the same house because one of them causes many problems, troubles and disputes with me. one day, she enraged me and I said to her, "I will be patient and keep you with me until so-and-so (her youngest son) finishes his studies". I said this with the intention of divorcing her and I used it to threaten her with that. Now, I regret it, but I am sure I did not swear to divorce her. I only had the intention to do so. Please give me your Fatwa (legal opinion issued by a qualified Muslim scholar) and may Allah reward you!

A: There is no harm on you so long as you did not utter the word of divorce. The Prophet (peace be upon him) said, ("Truly Allah overlooks what my people say to themselves, as long as they do not act upon it or say it (out loud).") (Related by Muslim in his Sahih book of authentic Hadith) May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh

The second question of Fatwa no. 6239

Q 2: i have two wives and both of them are good and treat me well. Also, both of them are pregnant. Since my heart is

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inclined to one of them, I want to divorce the other wife for fear that I may not observe equity between them. What is the ruling on this especially that I have really begun to treat her unfairly? If this is a sin, what is its Kaffarah (expiation)?

A: If the reality is as you mentioned, there is no blame on you if you divorce her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 11580

Q 2: i had a dispute with one of my two wives. As a result, i divorced her. is the other wife also considered divorced, whether Talaq (divorce pronounced by a husband) has been pronounced during her absence or presence, or does Talaq depend on my intention?

Many people say that the divorce is effective for both wives. All praise be to Allah, I know that Talaq depends on the intention like all other deeds, such as Salah (Prayer), `Umrah (lesser pilgrimage), Hajj, and everything. Many people believe that when a man has more than one wife and he pronounces Talaq, all his wives are divorced. The solution, as people say, is that the husband should deputize another person to divorce the intended wife so as to avoid divorcing them all. Is this true?

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Many people hold this belief and I am confused.

A: Only the wife whom you have intended to divorce is divorced and there is no need to deputize another person to divorce your wife on your behalf. In fact, it is permissible for you to divorce your wife and either specify your intention verbally or secretly. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 249

Q: if a person divorces his wife while he is asleep, will the Talaq (divorce pronounced by a husband) be effective?

A: If a man divorces his wife while he is asleep, the Talaq will not be effective. This is based on the general meaning of the following Hadith in which the Prophet (peace be upon him) said: ("The pen is raised from three (they are not held accountable for their actions); a person who is sleeping until they awaken, a prepubescent child until they reach puberty, and a person afflicted by madness until they regain their sanity.") (Related by Al-Tirmidhy, Ibn Majah, and Al-Hakim on the authority of `Aly ibn Abu Talib, may Allah be pleased with him) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 273

Q: I divorced my wife once towards the beginning of Muharram 1392 A.H. while we were in Khamis Mishit. I wrote a document registering the Talaq (divorce pronounced by a husband) and brought two witnesses to this. I, then, sent the document with my brother to my father-in-law. However, when the document was presented to the judge, he said that it was not legally recognized. I, thus, wrote another document, as I thought that the first one was not legally recognized. I sent this second document to my father to send it to my father-in-law. Please bear in mind that I consummated the marriage. On 12/2/1392 A.H., I took my wife back in marriage in the presence of two witnesses; one of them held passport no. 9600 issued on 8/11/1971 and the other held passport no. 3318 issued on 8/11/1970 from the Ministry of Interior Affairs . This was my first and only time to divorce my wife. Would it be considered one time of Talaq based on my belief that the first document was not legally recognized? Was my revocation of Talaq valid, bearing in mind that it took place during her `Iddah (woman's prescribed waiting period after divorce)?

A: You said that you divorced your wife once towards the beginning of Muharram 1392 A.H. and after being informed by a judge that the document was legally invalid, you divorced her again believing the first time was not effective. You also added that you took your wife back in marriage on 12/2/1392 A.H. during her `Iddah in the presence of two witnesses,

and that this was the first and only time to divorce her. If the reality is as you mentioned, only the first time of Talaq would be effective. The second time would not be effective, since it took place under the assumption that the first time was invalid, while it was in fact valid. When the judge said that the document was not legally valid, he was not describing the Talaq itself that was pronounced by the husband, but the method of notifying the father-in-law of it, which was invalid. Consequently, the second time of Talaq was based on a belief that proved to be false. Moreover, since the husband took his wife back in marriage during the `Iddah in the presence of two witnesses, his revocation was valid and there was no need to obtain her consent or conclude a new marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 3334

Q: i wrote a Talaq (divorce pronounced by a husband) authorization then i changed my mind and tore it before sending it to my attorney. However, some of our acquaintances who were present when I wrote the authorization told my father-in-law of what had happened.

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The latter then took my wife and the children from me on the plea that I have divorced his daughter. Is this really considered Talaq?

A: If reality is exactly as what you have mentioned that you wrote a Talaq authorization then you changed your mind and tore it before sending it to your attorney, no Talaq will be counted by doing so. Moreover, if you send the authorization to the attorney then you change your mind before any Talaq takes place by him; no Talaq will be counted by this either. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 1898

Q: If a man says: If my wife gives birth to a female, I will divorce her. Or he says: I will take her out of my house i.e. I will divorce her and if she begets a boy, I will not divorce her. Will the divorce be effective if she gives birth to a female or it will not be effective except after divorcing her after delivering a baby? Could you kindly advise?

A: If the reality is as you have mentioned, it will be a promise of divorce made by the husband and not a real divorce. Therefore, the divorce will not be effective

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upon the delivery of the female baby. It will depend on his execution of the promise of divorce by saying or by driving her out of her house by means of divorce after giving birth. However, the husband should not utter such a saying because Allah (Exalted be He) is the One who grants males or females. It is not up to him or his wife as it is well established in religion. Allah (Exalted be He) says, ﴾To Allâh belongs the kingdom of the heavens and the earth. He creates what He wills. He bestows female (offspring) upon whom He wills, and bestows male (offspring) upon whom He wills.﴿ ﴾Or He bestows both males and females, and He renders barren whom He wills. Verily, He is the All-Knower and is Able to do all things.﴿ This saying is like following the habits of pre-Islamic people regarding the hatred of girls and a Muslim must not imitate a matter of the pre-Islamic period. There are many women in the world who are better than men. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 1512

Q: A husband could not accept that a male non-relative greets his wife and sits with her. He advised and warned this man many times but he did not heed his advice. One time, the husband found his wife sitting with this man at her brother's house, so he became very angry. When the man went outside, the two fought and ended up in the police station. Finally, they reconciled, but when the husband wanted to take his wife back home, her family told him that he should consult the Dar Al-Ifta (House of Fatwa) regarding the matter.

A: the husband's jealousy over his wife, sense of honor in general, and desire to protect his honor are matters that are enjoined by Shari`ah (Islamic law). Thus, this husband is praised for his jealousy of this man who sits with his wife in a manner that raises suspicion, be it in his presence or absence. He is also praised for advising his wife to avoid sitting with this man or any man to avoid suspicion and doubt. However, a male non-relative greeting or sitting with a wife, even though not permissible, is not considered as Talaq (divorce pronounced by a husband) and does not dissolve the marriage. Likewise, the husband's ill thoughts and suspicions about his wife are not considered as Talaq or slander and do not make her unlawful for him. Hence, this woman is still his wife and his duty towards her is to protect and advise her. She must obey him, preserve her honor and avoid suspicion and doubt to stay away

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from anything that may mar her reputation or religion. A wife must fulfill both the rights of Allah and her husband's marital rights. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 799

I had a misunderstanding with my father-in-law and he reminded me that i owed a right to my wife. My uncle told me to take her or give her a Talaq (divorce pronounced by a husband). i said, "May Allah provide for her! Come to me to get her Talaq papers." I did so believing that this would absolve me of the right that I owed to my wife and from paying Nafaqah (obligatory financial support) for our young daughter. The disputes between us lasted for a long time, and when they pursued me, demanded the Talaq papers and refused to absolve me from the right I owe my wife and the Nafaqah and they asked me for it, I refused to write the Talaq papers and stayed away from my wife for one year. I then gave her one revocable Talaq after which I took her back. What is the ruling on taking her back in marriage?

A: If the matter is as you mentioned, that the uncle told the man to take his wife or give her a Talaq, and the husband asked Allah to provide for her and said that they should come to him to get her Talaq papers, without

there being a mutual agreement on Khul' (divorce initiated by a wife for a consideration); rather, this was the husband's one-sided assumption, so perceived by only one party - the divorcing one. Moreover, the husband's statement, "May Allah provide for her! Come to me to get her Talaq papers," counts among the implicit Talaq phrases, which when pronounced no Talaq takes place unless the husband intends that or there are clear evidence indicating that he does intend and wants Talaq with it; for instance, if the husband makes an indirect pronouncement of Talaq after it has been requested from him. In the case in question, as the husband asked Allah to provide for her and told them to come to him to take his wife's Talaq papers directly after a request for Talaq was made, this indirect pronouncement is considered as a Talaq. The husband said that he stayed away from his wife for one full year, and then gave her a revocable Talaq. It is most likely that the 'Iddah (woman's prescribed waiting period after divorce) of his wife following the indirect pronouncement of Talaq ended without him taking her back. If that was the case, the second pronouncement does not apply to her, because she became an Ajnabiyyah (woman lawful for the man to marry) to him once her 'Iddah ended. If the indirect Talaq he made was not a third pronouncement, it would have been permissible for him to return to his wife with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) with her acceptance, if the marriage fulfilled the pillars and conditions of a marriage. As the wife did not agree to renounce the right that her husband owed her or the Nafaqah for his daughter in return for Talaq, they continue to be his responsibility. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 21410

Q: I got angry with my wife and told her that I did not want her. This took place on 2/2/1421 a.H. Is this considered a Talaq (divorce pronounced by a husband) or an oath that necessitates Kaffarah (expiation)? Please answer me before it is too late! May Allah safeguard you!

A: If you have intended to pronounce Talaq by this sentence, it is considered one pronouncement of Talaq, but you can take your wife back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). However, if this Talaq is the third, she becomes unlawful for you unless she marries another person and then gets divorced from him, in which case you can remarry her with a new contract. On the other hand, if you have not intended Talaq by this sentence, there is nothing due on you. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh

The first question of Fatwa no. 1782

Q 1: Sometimes a man hosts a guest who is worried that he may prepare too much food for him, so he says: "My wife will be divorced if you slaughter an animal for me." Then the host slaughters an animal. What is the ruling in this case?

A: If the reality is as you mentioned, then the person who makes an oath of divorce

that his host will not slaughter an animal for him and the host does, must make Kaffarah (expiation) for breaking an oath. This can be done by feeding ten poor people an amount of five Sa` (1 Sa` = 2.172 kg) of wheat, fresh dates, rice, or from the type of food fed to the family. It is acceptable to clothe ten poor people or free a believing slave. If this is not affordable, one can fast for three - preferably successive - days. Allah (Exalted be He) says: ﴾O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.﴿ ﴾And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.﴿ ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons)﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 563

Q: my wife divorced herself from me. It happened that she asked one of our acquaintances

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to buy her something. He took a one day leave and came to me to go with him purchase the item. My wife knew I had no money, since I stopped working to free myself for my studies, while she had a regular income from her work. So I informed her that the man agreed to come after she would leave for work and asked her to leave him the money but she refused for no reason. I repeated my request and explained that the man had left his work to help us and I did not want to feel embarrassed. She did not respond to me and left for work without leaving any money. So I went to her workplace to make sure that she had heard what I said to her. She said that she heard and understood what I asked her, and she divorced herself from me. At that time, she knew that divorce is effective and begged my pardon. What is the ruling on this act?

I want to return to her as she is my relative. Would it be sufficient if I say to her, "I take you back", without anyone being present? Is it necessary to have witnesses? Please enlighten us.

A: If the reality is as you mentioned, that your wife has divorced herself, then if you have not expressly given her this right or delegate her to carry out this act, the divorce has not taken place and there is no need to take her back. The right to initiate divorce belongs to the husband and not to the wife.

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However, if you have given her this right or delegated her to divorce herself, her divorcing herself from you is effective. In this case, you may take her back in the presence of two witnesses so long as her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired, provided that it is not the third divorce. On the other hand, if this is the third divorce, she is not lawful to you until she marries another husband who dies or divorces her. You may then remarry her, with a new marriage contract, for a new Mahr (mandatory gift to a bride from her groom) and subject to her consent after the end of her `Iddah. It is noteworthy that the `Iddah of a pregnant woman is until she gives birth, and that of a woman who is not pregnant is for three monthly courses. As for young girls who do not yet menstruate and women who are in menopause, `Iddah lasts for three months. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The third question of Fatwa no. 9222

Q 3: One day i was playing football with a colleague of mine, and he was kicking the ball towards me. i decided in my mind that if he scores a goal, my wife will be divorced, or I said I will divorce my wife. I cannot remember the exact wording. However, I had no intention of divorcing my wife; it was just a word that came to my mind. I said to myself if this divorce has taken place, I have

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returned her. I went home and told her about it. I asked her whether she consents to return to me, and she agreed. We returned to each other, and we did not tell anybody about it. Is this considered divorce? If so, have I done right in the way I returned to her? Do I have to pay Kaffarah (expiation)?

A: If the situation is as you mentioned, that the pronouncement of divorce came to your mind without uttering it, this is not considered divorce; you do not have to do anything to return to your wife; and you do not have to pay Kaffarah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 5211

Q 3: What is the ruling on a person who pronounces the utterances of divorce unintentionally or to himself? Will it be effective and counted as divorce? It should be noted that he pronounces them unintentionally and he has children. He is like a compelled and afflicted person. He doubts some matters whether he did them or not? He troubles himself in order to remember what he uttered but with no avail.

A: divorce is not effective by intention only without pronouncing or

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writing it. The Prophet (peace be upon him) said, (Allah has forgiven my followers the evil thoughts that occur to their minds, as long as such thoughts are not put into action or uttered.) Agreed upon by Al-Bukhari and Muslim. Accordingly, divorce must be done either by pronouncing or writing it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fifth question of Fatwa no. 17558

Q 5: if a man intended to divorce his wife within his heart but he never pronounced it, even though he inwardly intended to do so and talked about it to himself, what is the ruling on this Talaq (divorce)?

A: Talaq only becomes effective when it is expressed verbally or in writing. As for a mere intention of Talaq and your self-talk about it, this does not result in Talaq taking place, as the Prophet (peace be upon him) said, ("Allah has overlooked for my Ummah (nation based on one creed) whatever crosses their minds, so long as they do not act upon it or speak of it.") (Agreed upon as Sahih [authentic] by Imams Al-Bukhari and Muslim) May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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Fatwa no. 15674

Q: I am a married man, all praise be to Allah Alone. However, I started to suffer from severe satanic whispers in the same night I consummated my marriage. Satan tells me that I have pronounced the word of Talaq (divorce pronounced by a husband) and that I have to be separated from my wife. I am suffering from distress that Allah knows, though I know that I did not say any word of Talaq. Sometimes I utter any word other than that of Talaq but Satan assures me that I uttered a word of Talaq. Satan even whispers to me while I am performing Salah (Prayer), am inside the toilet, or having sexual intercourse. I am severely confused. Please provide me with your beneficial Fatwa regarding this matter.

NB: It is worthy mentioning that Satan tells me not to do so and so, which is a good deed, and that if I do it I will be regarded as having uttered the Haram (prohibited) word; we seek refuge with Allah from this. Am I considered a sinner? Provide me with your Fatwa, please!

A: Your marriage is still sound and the whispers which you have mentioned in the question have no effect on it. this is because talaq does not take place unless there is certainty that the husband intentionally pronounced or wrote it. Proof for the foregoing is a Hadith which is narrated in the Two Sahih (authentic) Books of Hadith (i.e. Al-Bukhari and Muslim) that the Prophet (peace be upon him) said, (Allah has forgiven my followers the evil thoughts that occur in their minds, as long as such thoughts are not put into action or uttered.)

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 20169

Q 1: I am a twenty-year-old married man, all praise be to Allah. my problem is that I take an oath of Talaq (divorce pronounced by a husband) without expressing it loudly. I beseech Allah (Exalted be He) then you to benefit me with an answer in this regard. May Allah reward you best!

A: If what happens to you is a form of unuttered whispers in your mind, as you have mentioned, these are satanic insinuations and there is no blame on you In sha'a-Allah (if Allah wills). This is not to be considered Talaq as long as you do not say or act on your thoughts, such as by writing a paper signifying that you have divorced your wife. This is evidenced by the following Hadith which was authentically reported from the Messenger of Allah (peace be upon him) and in which he said: ("Allah has forgiven for my Ummah (nation based on one creed) the (evil) whispers that flash into their minds, as long as such thoughts are not put into action or uttered.") (Related by Al-Bukhari and Muslim) We recommend that you to recite Qur'an, Du`a' (supplication), and Adhkar (invocations and Remembrances said at certain times on a regular basis) frequently, along with seeking refuge with Allah from the accursed Satan, in order to ward off evil insinuations. You should also resist these whispers whenever they flash into your mind and engage yourself in things that can benefit you in your religious affairs and worldly life.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17291

Q 1: I used to have intercourse daily with my wife, then I decided not to do this for a week with the intention of starting that from the following week. I decided that my wife will be divorced if I did it. However, in the middle of the following week, I had intercourse with her and I said to myself I would fulfill my oath in another week, and indeed I did. Is my wife divorced in this manner, or not? Kindly give me the legal ruling in this regard.

A: If the reality is as you mentioned, that you did not utter the pronouncement of Talaq (divorce pronounced by a husband), whether secretly or out loud, and did not swear by it, but you were just thinking of it, then Talaq did not take place, and you do not have to make Kaffarah (expiation). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Q 2: One day, my wife swore saying, "By the life of my children". I got angry and said, "If you swear by the life of the children again, you will be divorced and driven out of the house." I regretted it later, because I had no intention to divorce her.

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Until now, she has not sworn again in front of me, but I want to cancel this oath lest she forget and swear again one day. What should I do? May Allah reward you best!

A: Swearing by the life of the children is an ineffective oath, because it is swearing by other than Allah (Exalted be He). This is impermissible; it is even an act of minor Shirk (associating others with Allah in His Divinity or worship). It was authentically reported that the Prophet (peace be upon him) said: ("A person who swears by anyone other than Allah is a Kafir (disbeliever) or a Mushrik (one who associates others with Allah in His Divinity or worship).") (Related by Abu Dawud and Al-Tirmidhy) It was also authentically reported that he (peace be upon him) said: ("Allah forbids you to swear by your fathers. If one has to swear, they should swear by Allah or otherwise keep silent.") (Agreed upon by Al-Bukhari and Muslim) If the oath of Talaq (divorce pronounced by a husband) which you have taken is meant to prevent your wife from swearing by other than Allah (Exalted be He), it will be considered an oath that necessitates Kaffarah (expiation) if she ever swears by the life of her children while remembering the oath you have taken. However, if your intention is to divorce her, one pronouncement of Talaq will be effective if she swears by the life of her children intentionally; whereas if she swears forgetfully, Talaq will not take place. This is based on the following Ayah (Qur'anic verse): (Our Lord! Punish us not if we forget or fall into error) It was authentically reported that the Messenger of Allah (peace be upon him) said: ("Allah (may He be Glorified) said: I have done (i.e. granted you what you have asked for).") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Q: What is your opinion on the following Hadith: the Messenger of Allah (peace be upon him) said, ("Anyone who swears an oath then sees that something else is better than it, let them do that which is better and offer expiation for their (broken) oath.") **Is this Hadith Sahih (a Hadith that has been transmitted by people known for their uprightness and exactitude; free from eccentricity and blemish) and does this Hadith apply to the first and second questions? Please give us an explanation of this Hadith. May Allah reward you with the best!**

A: This Hadith is authentically reported from the Prophet (peace be upon him) by Muslim in his "Sahih (Book of Authentic Hadith)", Al-Tirmidhy, Al-Nasa'y, and Ibn Majah in their Sunan (Hadith compilations classified by jurisprudential themes) from a Hadith that was narrated by a group of the Sahabah (Companions, may Allah be pleased with them), including Abu Hurayrah (may Allah be pleased with him). This Hadith does not apply to the first question, as that was not an oath, but was self-talk. It does apply to the second if he intended by what he did to forbid it, and then he changed his mind. In this case he should expiate for (breaking) his vow.

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Fatwa no. 15973

Q: I was married to a woman but I did not consummate the marriage with her. My friend and I passed by a grocery and stopped by to buy something we needed. my friend wanted to get out of the car to buy the things himself. I said to him: "I swear I will divorce my wife" and did not complete the phrase because I remembered that I had contracted my marriage. I did not complete the phrase and my friend did not get out of the car. I got out and bought the things we needed and we went on our way. What is the ruling on what I did? Could you kindly advise? May Allah reward you!

A: If the matter is as mentioned, divorce will not be effective regarding your wife because you did not complete your phrase of divorce. You did not pronounce the phrase in full form and your friend did not get out. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 18560

Q: My sister's husband traveled to France for work. He continued writing to her for a period of time, then she lost contact with him. We all tried to contact or locate him, but to no avail. After two years or more, my sister went to court to ask for Talaq (divorce pronounced by a husband) in absentia. While she was waiting for the verdict of Talaq, her husband returned and we did not know the reason behind his long absence. He asked his wife and all of us to forgive him, and wanted to return to his wife and his young son who was born a few months after his travel. What should his wife do in this regard? Bear in mind that she wants to return to him, and the Talaq verdict has not been issued by court.

A: If the reality is as you mentioned, that the religious official has not nullified the marriage contract and declare her divorced, then she is still this man's wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20890

Q: I am an Egyptian working in Al-Ta'if. I argued with my wife who is in Egypt over the phone. When

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I returned home, I told my brother about what had happened between me and my wife on the phone. Then i said, "By Allah i will go to the embassy in Jeddah and divorce her." At that time I was so angry, in addition to my suffering from diabetes and high blood pressure. I did not intend to divorce her but it was all due to my anger and the argument we had. Later, when I calmed down, I did not go to Jeddah. Is my broken oath considered a divorce? Please, advise.

A: If the reality is as you mentioned, your wife is not divorced by the words you said. Rather, you should make Kaffarah (expiation) for breaking your oath because you made an oath to go to the embassy to divorce your wife but you did not go. The Kaffarah for a broken oath is feeding ten needy people each a half of a Sa` (1 Sa` = 2.172 kg) of wheat, rice or the like, or clothe them, or free a Muslim slave. If you cannot afford to do so, you have to fast three days for breaking your oath. The Messenger of Allah (peace be upon him) said, ("Anyone who takes an oath, and finds something better than it, should do that which is better and expiate for (breaking) the oath.") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 19307

Q 5: when a husband thinks about divorcing his wife, will she be unlawful for him just by thinking without making the intention to do so?

A: The mere thought of divorce or having the intention to do so without pronouncing it will not affect the prohibition of one's wife and divorce will not be effective. Al-Bukhari and Muslim reported in their Sahih (authentic) Books volume 7, p. 225 on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said, (Allah has forgiven my followers the evil thoughts that occur to their minds, as long as such thoughts are not put into action or uttered.) Agreed upon by Al-Bukhari and Muslim. The narrated Hadith is in the wording of Al-Bukhari. Therefore, if a person divorces his wife by utterance or writing, she will be divorced even if he is joking. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 12539

Q: A dispute took place between my wife and me in 1409 A.H. in the middle of Ramadan. It happened that I performed Salah (Prayer) in the Masjid (mosque) and went to bed,

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but my wife said to me, "Why do you fall asleep before me?" She then stood up and removed my cover. I asked her not to remove the cover, but she did it again so I took hold of her hand, got angry, and slept in my cousin's room. My cousin brought about a reconciliation between my wife and me. I am asking whether my wife and I are obligated to do anything because of what we have done. It is worth mentioning that when my wife told her family about what happened, they insisted that she should stay with them until I would inquire about the matter. Please provide us with your beneficial answer soon. May Allah safeguard you!

A: If the reality is as you mentioned, holding your wife's hand is not considered Talaq (divorce pronounced by a husband). Both of you are required to observe Taqwa (fearing Allah as He should be feared), deal kindly with each other, and fulfill each other's rights. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 8832

Q 3: A man divorced his wife and married another woman. When he proposed to the second woman,

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he told her and her family that he had three children from his ex-wife, and they accepted this. however, after marriage, it was discovered that he had five children not three. As a result, the wife's uncle adopted a negative attitude towards the husband - of course this was after the marriage - and asked him to divorce his niece as the husband had lied. Is the husband obligated to divorce his wife due to this lie, bearing in mind that the wife's father and mother have not asked him to divorce her?

A: He is not obligated to divorce her for this reason, and it is not permissible for her uncle to object. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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Fatwa no. 13377

Q: Two years ago, I quarreled with my wife for no reason except that she was angry and frowning all the day. She did not reply when I inquired about the reason for her anger. The quarrel intensified and I slapped her face. My mother heard us fighting and she made me more nervous. i swore two or three times that i would divorce her.

I really meant what I was saying, as I was crying because I felt disappointed for not choosing a righteous wife. I had been engaged to a girl for a year but the engagement was not successful because of some minor disagreements. Two days after this quarrel with my wife, everything was back to normal and she did not leave the house, all praise be to Allah. I have not divorced her and we have one and half year old son and she is pregnant. I am a Multazim (practicing Muslim) person and I perform all the obligatory acts. What is the ruling on my oath, because I am very worried?

A: If the reality is as you mentioned, no Talaq (divorce pronounced by a husband) has taken place but you must pay Kaffarah (expiation) for the oath of divorcing your wife. This Kaffarah is to feed ten Miskins (needy persons), or provide them with clothing, or emancipate a believing slave. If you are unable to do any of these, you must observe Sawm (Fast) for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 9097

Q 4: concerning the saying of Allah (Exalted be He): (And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of some open illegal sexual intercourse.) **What is the ruling if a woman leaves her husband's home accidentally or intentionally in her `Iddah (woman's prescribed waiting period after divorce or widowhood) without the permission of her husband? Is this ruling applicable to a woman divorced by Khul` (divorce initiated by a wife for a consideration) as divorce is done and the `Iddah is still going?**

A: The woman who is in her `Iddah due to a revocable divorce will be sinful if she leaves the house of her husband without his permission except if there is a need. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 17282

Q 2: A man has divorced his wife, who is the mother of his children. She has chosen to stay in the same house with her children. Is it permissible for him to stay with them in the same house? It should be mentioned that he is an old man and needs

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someone to take care of him and do his housekeeping.

A: It is impermissible for a man, who makes a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully) or a minor irrevocable divorce (a divorce, after which the man may remarry his irrevocably divorced ex-wife with a new mandatory bride gift and contract), to stay alone with his divorcee after her `Iddah (woman's prescribed waiting period after divorce) is expired, because she becomes a non-Mahram (not a spouse or an unmarriageable relative) for him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 19895

Q: My father became ill and had to be hospitalized. He suffered another disease resulting in his leg being amputated. He is now paralyzed and unable to sit up on his own. One day he asked me to sit next to him and instructed me to bury him in Al-Madinah Al-Munawwarah after his death which is 400 km away from Al-`Ula district where I live. He also divorced my mother, and asked her to forgive him as he forgave her. She remained in the house attending to his needs because he is unable to move and we are busy with work and studies.

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Please enlighten us, may Allah reward you!

A: First, if the deceased instructed his family to bury him in a particular country or place, they are not obliged to carry out his instructions. He can be buried with Muslims in any suitable place, all praise be to Allah. **Second,** if this Talaq (divorce pronounced by a husband) is the third, he becomes non-Mahram (not a spouse or an unmarriageable relative) for your mother. She is not allowed to stay with him, uncover her face in front of him, or have conjugal relations with him. If this is the first or second Talaq, it is a revocable Talaq whereby he is allowed to take her back in marriage provided that her `Iddah (woman's prescribed waiting period after divorce or widowhood) has not expired. She has the rights and duties of a wife, and can look after your father. If he did not revoke the Talaq either expressly by word of mouth, or implicitly by resuming marital relations within her `Iddah, he becomes non-Mahram for her and is not allowed to be alone with her unless he concludes a new marriage contract. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 20918

Q 1: is it true that irrevocable divorce drops the right of alimony and accommodation for the divorced woman? It is mentioned in the Hadith narrated by Fatimah bint Qays (may Allah be pleased with her)

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that when her husband form the Makhzum tribe divorced her irrevocably and she came to ask the Prophet (peace be upon him), he said to her, "There is no alimony for you even if the divorce is full of abuse and oppression."

A: It is authentically reported in Musnad (Hadith compilation) of Imam Ahmad and in Sahih Muslim on the authority of Fatimah bint Qays that the Prophet (peace be upon him) said, regarding a woman divorced three times, ﴾She is not entitled to have the right of accommodation or alimony (by her ex-husband).﴿ In another narration: She said: ﴾My husband divorced me thrice, but the Messenger of Allah (peace be upon him) did not assign me an accommodation or alimony (by my ex-husband).﴿ Related by the Six Hadith Compilers (Muslim, Abu Dawud, Al-Tirmidhy, Al-Nasa'y, and Ibn Majah) except Al-Bukhari. In another narration of Ahmad, Abu Dawud, Al-Nasa'y and Muslim ﴾...unless you are pregnant.﴿ These proofs indicate that the irrevocably divorced woman gets no alimony or accommodation unless she is pregnant. She has the right of alimony in this case based on the proof mentioned above because the baby will be his and he must support him financially and he can not support him unless he supports her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 40

Q: someone divorced his wife with one pronouncement and he had not

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divorced her before. Four days later, he took her back in front of two witnesses who are from Mahal `Uly Hamdan.

A: Since the said person divorced his wife for the first time with one pronouncement of divorce and then took her back during her `Iddah (woman's prescribed waiting period after divorce or widowhood) in the presence of witnesses, then his wife is considered as divorced once and is legally permitted to return to him as long as she is in her `Iddah and the two witnesses are trustworthy. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 60

Q: I said to my wife, "You are divorced, divorced, divorced!" in a fit of temper. I have not intended Talaq-ul-Battah (emphasized divorce), but only to confirm one pronouncement of Talaq (divorce pronounced by a husband). It is worth mentioning that I have not divorced her before. I have also taken her back in marriage in the presence of witnesses during her `Iddah (woman's prescribed waiting period after divorce), as she has been pregnant at the time of Talaq and has not delivered yet.

A: As you have not intended Talaq-ul-Battah,

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but only to confirm one pronouncement of Talaq, and she has been pregnant at the time of Talaq and has not yet given birth, and as you have brought witnesses to your revocation of the Talaq, this is considered one pronouncement of Talaq. As you have taken her back in marriage, she is now your wife, and you have two more pronouncements of Talaq left. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 44

Q: i was out camping with some friends and we had a dispute. So i told them that if i ever camped with them again, my wife would be divorced and I took an oath on that. Later, I went out to the same place with them despite taking the oath of Talaq (divorce pronounced by a husband). The divorce became effective in 6/5/1391 A.H. then I took my ex-wife back towards the middle of Rajab, 1391 A.H. and there were witnesses to that. I had never divorced her before or after that time, and it was not in return for a consideration. My wife is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). Is she lawful to me?

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A: You made the Talaq and oath contingent on your returning to this place with your friends and you returned. You also made one pronouncement of divorce and took her back during her `Iddah in the presence of two witnesses. Because you had never divorced her before or after that time, your revocation of divorce is valid, and there is no need for a new marriage contract or her consent. However, you must expiate for breaking your oath, which can be done by feeding or clothing ten needy people or freeing of a slave. If you are unable to do any of these things, you must fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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Fatwa no. 80

Q: my wife and I disagreed with each other, so I divorced her, and deemed her unlawful to me and lawful to anyone who wants to marry her. This took place in 16/12/1391 A.H. I meant that she is no more my wife and thus she is unlawful to me. I returned to her in 25/2/1392 A.H., by the witness of Shakir Ahmad Khayyat and Zakariyyah Muhammad Nur Murshid while she was in her `Iddah (woman's prescribed waiting period after divorce or widowhood). Given that I had divorced her six years ago and returned to her on the same

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day, is it lawful for me to return to her?

A: Having read the second divorce paper and heard the witnesses, the Committee wrote the following answer: As the questioner mentions that he said to his wife "You are divorced and unlawful to me"; he meant by deeming her unlawful to him that he has divorced her, which took place in 16/12/1391 A.H., and he returned to her in 25/2/1392 A.H. by the witness of the people mentioned above, if the first divorce that took place six years ago was two or three pronouncements of divorce, she will be unlawful to him until she marries another man, consummates her marriage to him, he divorces her without the intention of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple) and her `Iddah comes to an end. If the first occurrence of divorce was one pronouncement of divorce only, and her `Iddah had not come to an end, he might return to her without her consent or a new marriage contract. However, if her `Iddah had come to an end, he must have her consent, conclude a new marriage contract and pay a new Mahr (mandatory gift to a bride from her groom). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 109

Q: i had a dispute with my wife after which i divorced her according to Sunnah (whatever is reported from the Prophet) in 18/2/1392 A.H. Later, in 22/2/1392 A.H., i wanted to revoke the divorce and regretted what i did. I called her family and told them of my intention. Please give me the legal opinion in this regard.

A: If you have divorced your wife according to Sunnah for the first time, you may take her back in marriage as long as she is in her `Iddah (woman's prescribed waiting period after divorce). If you take her back during the `Iddah and in the presence of two trustworthy witnesses, she is lawfully your wife. However, if her `Iddah is not over and you have not taken her back, you may do in the presence of two witnesses. Yet, if her `Iddah is over before you take her back in marriage, you will only be permitted to take her back with a new marriage contract and Mahr (mandatory gift to a bride from her groom) as well as her consent. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 137

Q: The content of the Fatwa request and the statements of the questioner after summoning him on 22/5/1392 A.H. read as follows: a quarrel took place between my wife and me

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so I hit her, then I had a dispute with her brother. Consequently, I pronounced one Talaq (divorce pronounced by a husband). Then I revoked the Talaq and we resumed our marriage for two years. Afterwards, I got angry with my wife's brother because he provoked her against me and I pronounced one more Talaq. I finally revoked this second Talaq. Please provide me with your Fatwa (legal opinion issued by a qualified Muslim scholar) regarding this matter.

A: If the reality is as you mentioned in the Fatwa request; that you pronounced one Talaq, then you revoked it, then after a long period you pronounced another Talaq, then you revoked it in the presence of two just witnesses, she is your wife if the revocation of Talaq has taken place before the expiry of her `Iddah (woman's prescribed waiting period after divorce). However, if you give your wife another Talaq, it will be the third and you will not be able to remarry her unless she first marries another man with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom) - subject to her consent - and this marriage ends lawfully. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 158

Q: Someone divorced his wife last year according to Sunnah (whatever is reported from the Prophet), and now he wants to take her back in marriage. Is this permissible?

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A: If the Talaq (divorce pronounced by a husband) in question is not the third pronouncement and is not in return for a consideration, this is considered a revocable divorce. The husband is permitted to take his wife back in marriage as long as her `Iddah (woman's prescribed waiting period after divorce) is not over. However, if the `Iddah is over, or the Talaq was in return for a consideration and was not the third pronouncement of Talaq, the husband may return to his wife with a new marriage contract and Mahr (mandatory gift to a bride from her groom) similar to that paid to women of the same social status subject to her consent and after fulfilling all the pillars and conditions of a marriage contract. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 311

Q: I send to Your Eminence a copy of my divorce document issued in 1389 A.H. I did not specify a number of the times of divorce and I meant only what is mentioned in the document. She has not married up to this day. I want to return to her and she does not have any objection. Please give me your opinion whether this is permissible or not.

The following sentence appears in the copy of the divorce document dated on 1/3/1389 A.H., "I admit that I have divorced my wife."

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A: After studying the question and examining the divorce document, the Committee gave the following answer: If the reality is as mentioned in your question and in the divorce document, then what you pronounced is only one time of divorce. So if it is not the third time you have divorced your wife, you may return to with a new contract and Mahr (mandatory gift to a bride from her groom), upon her consent, if her `Iddah (woman's prescribed waiting period after divorce) has ended before you return to her. If this is the third time of divorce, then she is not lawful to you until she marries another husband, consummates the marriage, then is divorced and finishes her `Iddah. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 314

Q: i divorced my wife (...) one time while she was pregnant. After she gave birth to a baby girl, both of us now wish to return to each other in marriage. I appreciate your advice!

A: If the reality is as you have mentioned, that you divorced your wife while she was pregnant then she delivered, it will be permissible for you to return to her after concluding a new marriage contract with a new Mahr (mandatory gift to a bride from her groom)

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and the wife's consent because she ended the period of `Iddah (woman's prescribed waiting period after divorce or widowhood) by delivery as long as you have not divorced her for the third time. But if this is the third time of divorce, she will not be lawful for you unless she gets married to another husband, consummates marriage with him then gets divorced and her `Iddah passes. Only then can you return to her in marriage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 382

Q: a husband deputized another person to divorce his wife on his behalf according to the Sunnah (whatever is reported from the Prophet) and the man did. Later, the husband revoked the Talaq (divorce pronounced by a husband). He is asking whether the revocation is valid or not.

A: If the reality is as mentioned, that the husband has deputized another person to divorce his wife (and he specified her) according to the Sunnah and the man has done so by proxy, this Talaq will be considered a revocable divorce if it is not the third one and it is not in return for a consideration. This means that the husband has the right to take his wife back in marriage as long as she has not completed her `Iddah (woman's prescribed waiting period after divorce). However, if this is the third time of Talaq, the woman will not be lawful for him unless she marries another man and this marriage ends lawfully. Moreover, if this Talaq is in return for a consideration and it is not the third time of Talaq, it will be lawful for him to take her back in marriage with a new marriage contract and a new Mahr (mandatory gift to a bride from her groom),

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provided that she gives her consent to remarry him and all the conditions and pillars of marriage are fulfilled. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 617

Q: a man had a dispute with his wife and he became so angry that he told her, "You are divorced, then you are divorced!" He is sure that he pronounced it at least two times, but he is not certain if he had said a third time or more. Nevertheless, the man took back his wife immediately and is asking about the validity of what he did.

A: If the reality is as mentioned, that the man divorced his wife twice saying, "You are divorced", that he was not sure of saying anything more, if he has not divorced her before, and this divorce was not in return for a consideration, it would be a revocable divorce. The husband has the right to take back his wife as long as she has not completed her `Iddah (woman's prescribed waiting period after divorce). Any pronouncement of divorce more than the first two is doubtful and the basic rule is to overlook it. So, the wife can return to her husband with one time of divorce left for him. In addition, if two witnesses attest that the husband has taken back his wife before she has completed her `Iddah, the revocation is valid.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 491

Q: on Friday 13/6/1393 A.H., I had a dispute with my wife and in a fit of temper, I divorced her once unintentionally. on the same day, I took her back in marriage in the presence of two witnesses.

Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.

A: If the reality is as you mentioned, that you divorced your wife once and this Talaq (divorce pronounced by a husband) was not in return for a consideration and it was not the third time of Talaq and then you took her back in marriage in the presence of two witnesses, your revocation of the Talaq is valid. You have two times of Talaq left for you. As for claiming to have divorced her unintentionally, it has no effect until proven. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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(Part No. 20; Page No. 239)

Fatwa no. 539

Q: i divorced my wife and took her from Riyadh to her father who lived in the suburbs of Madinah. After a period of time, I told her brother to inform his father that they could marry her to another man because she was no longer my wife. Later, I took my children from her during the first days of Jumada II, 1393 A.H. Can you instruct me on the correct way to take my wife back in marriage? It should be noted that I was under the impression that telling her brother to inform his father to marry her to another man meant divorce; however, I did not utter a pronouncement of Talaq (divorce pronounced by a husband), neither before nor after this incident. I revoked the divorce during her `Iddah (woman's prescribed waiting period after divorce) in the presence of two witnesses. The revocation took place in 20/7/1393 A.H.

A: The husband mentioned that he previously divorced his wife in the form of encouraging her brother to tell her father to marry her to another man, because she was no longer his wife. He added that he never uttered the word of Talaq and that he took his wife back in marriage during her `Iddah in the presence of two witnesses. Talaq took place at the beginning of Jumada II, 1393 A.H. and the revocation of divorce occurred in 20/7/1393 A.H. Based on these facts, the husband has made one pronouncement of divorce. His words are among the indirect pronouncements of divorce which reflects the intention to divorce. If the revocation of divorce has occurred during the `Iddah, it will be valid.

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The woman is still his wife and there is no need to conclude a new marriage contract, pay Mahr (mandatory gift to a bride from her groom) or get her consent. If the husband took his wife back in marriage after the end of her `Iddah, it would be obligatory to conclude a new marriage contract and pay Mahr subject to her consent. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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Fatwa no. 700

Q: A husband granted his wife one revocable divorce then he took her back in marriage on the basis of a Fatwa that was issued by the Department of Ifta'. The concerned husband has then divorced his wife again by saying to her, "You are divorced, divorced, divorced." He has intended by the second and third pronouncements to emphasize the first. Is it permissible for him to revoke the Talaq (divorce pronounced by a husband)?

A: We read the Fatwa that the questioner referred to in his Fatwa request. It was issued by the Department of Ifta' in 1384 A.H. and it stated that the Talaq that was first given by the husband was considered one Talaq. Since the questioner mentions that he has divorced his wife afterwards by saying to her, "You are divorced, divorced, divorced," and that he has intended by repetition to give emphasis - not to give more than one Talaq, his statement is regarded as another one Talaq. If it is not the third Talaq granted by him,

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he will have the right to revoke it if the `Iddah (woman's prescribed waiting period after divorce) has not expired yet. However, if the `Iddah has expired before the revocation of Talaq, it will be permissible for the ex-husband to remarry his divorcee with the conclusion of a new marriage contract and the payment of a new Mahr (mandatory gift to a bride from her groom), provided that she gives her consent to remarry him. It should be noted that if any Talaq takes place in the future, it will be considered the third. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 711

Q: a man disputed with his wife because she had gone to her father's house without asking permission. The husband cursed her and her father, and when one of those who were present asked him to seek refuge with allah from Satan, he said, "She is not lawful for me." Then he wrote a letter to her father informing him that he divorced his daughter. Now this man asks whether he is permitted to take his wife back, and what are the consequences of what he did?

A: If the reality is as you mentioned that the husband cursed his wife and her father, this is a sin from which he should perform Tawbah (repentance to Allah), ask Allah's Forgiveness and resolve never to do again. As for his saying that he divorced his wife, if this was not the last of three divorces and no compensation was paid,

it is revocable divorce. He is permitted to take his wife back in marriage as long as she is still in `Iddah (woman's prescribed waiting period after divorce or widowhood). However, if the period of `Iddah was over before taking her back, or he divorced her in return for compensation while it was not the last of the three divorces, he is permitted to return to his ex-wife with her consent with a new Mahr (mandatory gift to a bride from her groom) and contract which fulfills the pillars and conditions of marriage. On the other hand, if this was the last of three divorces, this woman is not lawful for him anymore, until she marries another person and consummates the marriage then is divorced or widowed. If the husband in question takes his wife back in marriage with a new marriage contract, he is not permitted to have intercourse with her until he makes Kaffarah (expiation) for saying, "She is not lawful for me", i.e. Zhihar (a man likening his wife to an unmarriageable relative). As such, he must free a slave, and if he cannot, then he should fast for two consecutive months. If this is beyond his ability, he should feed sixty poor persons. Allah (Exalted be He) says: ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor). That is in order that you may have perfect Faith in Allâh and His Messenger. These are the limits set by Allâh. And for disbelievers, there is a painful torment.﴿

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 768

Q: a person divorced his wife twice then remarried her with a new contract and Mahr (mandatory gift to a bride from her groom). afterwards, he divorced her for the third time in return for waiving the rest of her Mahr and some other consideration. Now she wants to return to her ex-husband. What is the ruling on this? It should be mentioned that the three divorces are registered in the attached document issued by the court of Al-Haqw.

A: Since it has been proven that the husband has divorced his wife thrice, according to what has been mentioned in the question and in the attached document, she becomes unlawful for him unless she marries another man and consummates the marriage. If the second husband divorces her or dies, it will be permissible for the first husband to remarry her with the conclusion of a new marriage contract and the payment of a new Mahr, provided that she gives her consent to remarry him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 757

Q: a husband gave his wife Talaq (divorce pronounced by a husband) by saying: "You are divorced, divorced, divorced." Nevertheless, he mentioned that he only intended by the second and third pronouncements of Talaq to emphasize the first. Such a Talaq was pronounced in 26/04/1394 A. H. but it was revoked in 04/05/1394 in the presence of two just male witnesses. Is the revocation of the Talaq mentioned above valid?

A: If the matter is exactly as what is mentioned by the questioner that he said to his wife: "You are divorced, divorced, divorced.", that he intended by repetition to emphasize the first pronouncement of Talaq, this Talaq is neither the third one to be given nor for a consideration; such a Talaq will be revocable. Accordingly, it will be permissible for the questioner to take his ex-wife back in marriage provided that her `Iddah (woman's prescribed waiting period after divorce or widowhood) is still operative. However, if Talaq is for consideration or is not revoked before the expiry of `Iddah and it is not the third Talaq to be given; it will be permissible for her ex-husband to remarry her by the conclusion of a new marriage contract and the payment of a new Mahr (mandatory gift to a bride from her groom) subject to her consent provided that all other conditions and Rukns (essential elements) of marriage are fulfilled. Finally, if the concerned Talaq is the third one to be given, it will not be permissible for the questioner to revoke it until his ex-wife gets married, first to another man in the Shar`y (Islamic legal) way not in Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 789

Q: a man told his wife that if she went out without his permission, she would be divorced. She went out without his permission and he mentioned that he did not know anything about that. One Friday, she told him that he had previously warned her not to go out without his permission or else she would be divorced, but despite this she did and, therefore, she was no longer his wife. He asked her whether or not she wanted Talaq (divorce pronounced by a husband), and she confirmed her request. Consequently, he told her that she would be divorced. Now he is asking about the permissibility of taking her back in marriage.

A: If the reality is as mentioned, that he has not known about her going out without his permission after warning her and that she has not told him about her going out without his permission, he has not broken his oath because he has granted her Talaq at her request. Accordingly, if this Talaq has not been granted in return for some consideration or has not been the third one, it is considered a revocable divorce. In this case, it is permissible for the husband to take his wife back in marriage as long as she is still in her `Iddah (woman's prescribed waiting period after divorce). However, if this Talaq has been granted in return for some consideration or has been a revocable divorce but the woman has already finished her `Iddah, he can take her back in marriage with a new contract and Mahr (mandatory gift to a bride from her groom), after obtaining her consent, along with fulfilling the pillars and conditions of marriage. However, if this has been the third Talaq, she becomes unlawful for him until she marries another person with a sound marriage contract, not for the purpose of Tahlil (a marriage contracted for the sole purpose of legalizing remarriage between an irrevocably divorced couple), and then this marriage ends lawfully.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 912

Q: a man divorced his wife during the month of Sha`ban by saying, "You are divorced, you are for Satan. You are unlawful to me and lawful to anyone else," and fifteen days later, he took her back in marriage. He has never divorced his wife before, and this divorce was not in return for compensation. Now he asks about the validity of revoking the divorce.

A: If the reality is as mentioned, that the man divorced his wife by saying, "You are divorced, you are for Satan. You are unlawful to me and lawful to anyone else," this is considered one pronouncement of Talaq (divorce pronounced by a husband). Since he said that he did not divorce her before and it was not in return for compensation, this is revocable divorce and the man is permitted to take his wife back in marriage as long as she is still in `Iddah (woman's prescribed waiting period after divorce or widowhood). If this is the case, and he took her back before `Iddah is over, she is lawfully his wife and there remains for them two pronouncements of divorce. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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(Part No. 20; Page No. 247)

Fatwa no. 926

Q: I married a woman and I traveled abroad and married the cousin of my deceased wife. When I returned home, I informed my wife about my second marriage and she agreed. One day, I went home to find her mother and brother. I argued with them and asked my wife to leave the house, but she refused so I told her that she was divorced and I left. Three hours later, I returned home and found her. I told her that I had already divorced her and asked her to leave the house but she refused. I went to the police station and brought a police officer, the domicile mayor, and the landlord with me and told them the story that I had divorced her but she refused to leave the house and that I want her to leave, for fear that something bad might happen between us. Three years have passed since this event and each of us wants to return to the other for the sake of our children. Please advise us!

A: If the reality is as you mentioned, that you divorced your wife and when you found that she did not leave the house you told her that you had divorced her and repeated this in front of the police officer whom you called to evict her from the house, this is considered one pronouncement of Talaq (divorce pronounced by a husband)

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because, in this case, the second and third pronouncements were confirmation of the first pronouncement of Talaq. You can return to her with a new contract and a new Mahr (mandatory gift to a bride from her groom), provided that she gives her consent to remarry you and this has not been the third pronouncement of Talaq. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 1685

Q 2: A husband has written to his wife:

"I hereby pronounce that I have divorced my wife according to the Sunnah (whatever is reported from the Prophet." Although he has delivered the paper to her, he now wants to take her back in marriage. Can a woman be forced to return to her ex-husband even if she does not agree to this? Does revocation of Talaq (divorce pronounced by a husband) depend on her consent? Are there any conditions for revocation of Talaq? Please advise.

A: If the reality is as mentioned, that the husband has divorced his wife according to the Sunnah, he is permitted to revoke the Talaq as long as the woman is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood) and the revocation is done in the presence of two just witnesses. This does not require the woman's consent, but it does require that the Talaq has not been the third or has not been granted in return for a consideration. On the other hand, if the woman has already finished her `Iddah or the Talaq has been granted in return for a consideration and it has not been the third Talaq, the man may take his divorced wife back in marriage with a new marriage contract and Mahr (mandatory gift to a bride from her groom) and her consent will be required in these two cases.

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In either case, the Talaq counts as one pronouncement of Talaq. If this has been the third Talaq, the woman will not be lawful for him until she marries another husband according to the Shari`ah (Islamic law) and their marriage is consummated. If the second husband divorces her or dies, it will become lawful for her first husband to marry her with a new marriage contract and Mahr after her `Iddah expires and her consent will be required. The `Iddah of a pregnant woman expires when she delivers, whether she is a divorcee or a widow. The `Iddah of a widow who is not pregnant is four months and ten days. If she is divorced, her `Iddah will be three menstrual periods if she menstruates or three months if she is in her menopausal years or is below the age of menstruation. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 1992

Q: i wanted to give Talaq (divorce pronounced by a husband) to one of my wives so i took her to stay in the house of her father while she was pregnant. However, i did not pronounce any word of Talaq and i have not given her any Talaq before. i authorized a brother of mine to write the Talaq paper but he did not. Afterwards, i took my wife back in marriage before the child was born i.e. before the expiry of my wife's `Iddah (woman's prescribed waiting period after divorce or widowhood).

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This was witnessed by my wife's father and another man.

A: Since you did not give your wife any Talaq and you only asked your brother, as an attorney for you, to write her Talaq but he did not do so; your marriage is still operative because neither yourself nor your attorney gave her any Talaq. However, if you divorced your concerned wife and asked your attorney to write the Talaq that you pronounced but he did not do so; such a Talaq will be regarded as a valid Talaq. If it is a revocable divorce, the revocation you did is valid because you took your wife back in marriage while she was still pregnant and her father along with the other man witnessed it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 2091

Q: a person pronounced a major irrevocable divorce (the third and final divorce, after which the man can only remarry the woman if she remarries and that marriage ends lawfully). When his divorcee delivered a baby and finished her `Iddah (woman's prescribed waiting period after divorce), another suitor proposed to her and they concluded a marriage contract but they did not consummate their marriage. afterwards, he divorced her and she finished her `Iddah. Is it permissible for the first husband to remarry

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her by concluding a new marriage contract?

A: If a person pronounces a major irrevocable divorce, his ex-wife becomes unlawful for him to remarry until she marries another person lawfully and consummates her marriage. This is because Allah (Exalted be He) says: ﴾And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite, provided they feel that they can keep the limits ordained by Allâh.﴿ It was authentically reported in the Two Sahih (authentic) Books of Hadith (Al-Bukhari and Muslim) from `Aishah (may Allah be pleased with her), who said: ("The wife of Rifa`ah Al-Qurazhy came to the Prophet (peace be upon him) and said: I was married to Rifa`ah but he divorced me, making my divorce irrevocable. Afterwards I have married `Abdul-Rahman ibn Al-Zubayr, but all he possesses is like the fringe of a garment (i.e. he is sexually weak). Thereupon Allah's Messenger (peace be upon him) said: Do you wish to return to Rifa`ah? (You) cannot (do this) until you have tasted his sweetness and he (`Abdul-Rahman) has tasted your sweetness.") Tasting the sweetness refers to sexual intercourse. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2406

Q: i had a dispute with my wife whereupon i said to her,

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"May Allah compensate you with another husband better than me!" Later, I took her back in marriage while she was still pregnant, and I received a Fatwa (legal opinion issued by a qualified Muslim scholar) enclosed with my letter supporting the permissibility of doing this, issued by Shaykh Salih ibn `Abdullah ibn Furayj but my father-in-law was not convinced. Bear in mind that this was the first time I say such words to my wife. I hope you will give me a Fatwa in this regard, so that my father-in-law will be reassured.

A: If the reality is as you mentioned, that you divorced your wife while she was pregnant and then took her back before her giving birth, then this is considered as one pronouncement of Talaq (divorce pronounced by a husband). It is lawful to take your wife back in marriage as stated in the Fatwa enclosed with your question. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 8350

Q 1: Is it permissible for a husband who pronounces Talaq (divorce pronounced by a husband) once to have sexual intercourse with his wife immediately after taking her back in marriage? Please enlighten us, and may Allah reward you good!

A: If a husband gives his wife a revocable divorce then takes her back while she is still in `Iddah (woman's prescribed waiting period after divorce or widowhood), she remains his lawful wife and he has all his rights just as before Talaq takes place.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8226

Q: I divorced my wife (...) according to the Sunnah of Prophet Muhammad and wished her good luck. It should be noted that I returned to her in the presence of two male witnesses in 5/2/1405 A.H.

I (...) willingly divorced my wife by saying: I divorce (...) according to the Sunnah and I wish her good luck.

I returned to her in marriage in the presence of her brother (...) and another male witness in 29/1/1405 A.H.Admitted by the husband.

I inform you that I divorced my two wives once according to the enclosed documents. I returned to them in the presence of witnesses. I need your Fatwa to convince their families of this. I need an official Fatwa from you! May Allah reward you with the best!

A: If the reality is as mentioned, that you divorced your two wives (...)

and (...) once and it was not the third divorce for either of them, then you returned to them in their `Iddah (woman's prescribed waiting period after divorce or widowhood), your return to them in marriage is valid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 11639

Q: A person concluded the marriage contract with a girl, but they did not consummate their marriage. After a period of time, the girl called and told him that she could not make him happy and that she did not want to be his wife. The husband tried to convince and guide her, but she insisted on asking for Talaq (divorce pronounced by a husband). He told her that she first had to tell her father and brothers. Afterwards, her brothers asked him about his opinion but he did not give one. They told him that she was their half sister and they could not force her to do anything. The husband replied that they were neighbors and acquaintances. Thereupon, one of the wife's brothers advised him to divorce her. The husband said that he would divorce her once so that she might reconsider the matter and agree to return to him in marriage. thus, the husband divorced his wife by saying, "I, so-and-so, admit that I have granted so-and-so one pronouncement of talaq at her request before the consummation of our marriage."

(Part No. 20; Page No. 255)

My questions are: 1. Is it permissible for the husband to revoke the Talaq before the expiry of her `Iddah (woman's prescribed waiting period after divorce)? 2. Is it permissible for him to take back the Mahr (mandatory gift to a bride from her groom)? It is worth mentioning that he did not talk with her brothers about the Mahr because they were neighbors and it was not a matter of money. He also hoped that the wife might reconsider the matter, regret her decision, and agree to return to him. He felt that it was not a matter of money, but a matter of emotions. I hope Your Eminence would advise me! May Allah help you!

A: If a wife is divorced before the consummation of the marriage, she has no `Iddah. This is because Allah (Exalted be He) says: ﴾O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no 'Iddah [divorce prescribed period, see (V.65:4)] have you to count in respect of them.﴿ Accordingly, the husband cannot revoke the Talaq. If he wishes to remarry her and she agrees, he has to conclude a new marriage contract and pay a new Mahr. Regarding the Mahr he has already paid and wishes to take back, this matter should be settled by court. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 14768

Q 1: my husband divorced me while I was pregnant saying, "You are divorced." One hour later he told me that he would revoke the Talaq (divorce pronounced by a husband). Nobody witnessed either the Talaq or the revocation. Two days later we had intercourse. Later on, we knew that two persons should witness the revocation of Talaq, so I told my parents about the matter of Talaq and its revocation approximately one year later.

Was Talaq effective and valid when the husband said "You are divorced"? Was the revocation of Talaq valid? Was it obligatory to inform anybody other than my parents about what happened?

A: Your husband's saying "You are divorced" was an explicit Talaq and it counted as one pronouncement of Talaq. His revocation of Talaq was also valid unless this had not been the third Talaq. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 21012

Q: A man divorced his wife then took her back in marriage in the presence of two witnesses. After a long period of time, he had doubts whether he took his wife back during the period of `Iddah (woman's prescribed waiting period after divorce or widowhood), or she was pregnant at the time of divorce and when taking her back in marriage. Bear in mind that he thinks that he has revoked the marriage in less than three months. After asking his wife repeatedly about this, she said that at the time of Talaq (divorce pronounced by a husband) and revocation, she was pregnant. Is it legally sufficient to depend on her words, and what should he do about these doubts that arise after such a long period?

A: If the reality is as mentioned, that the man gave his wife a revocable divorce and took her back while she was still pregnant, then she is his lawful wife and his taking her back in marriage is valid. However, in case of any disputes, the matter should be referred to a Shari`ah court in the country of the spouses. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Member	Chairman
Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh

(Part No. 20; Page No. 258)

Ila' (A husband's oath not to have a sexual intercourse with his wife for a certain period)

Fatwa no. 3510

Q: I am married and I have three daughters. due to a dispute between me and my wife, I took an oath not to have sex with her except one year from the date I took such oath. We are seeking a cure to have children, for my wife has not got pregnant for six years because of my impotence. Is it permissible for me to have sex with my wife before the elapse of this period or not? May Allah reward and protect you!

A: If the reality is as you have mentioned; that you said to your wife: "You are unlawful to me except after one year as of the date of dispute and prohibition," you have committed a sin by prohibiting what Allah has made lawful for you. You have to repent to Allah and seek His forgiveness from what you did. Having sex with your wife is not prohibited by this oath and you may have sex with her during this year. However, if you have sex with her before the elapse of the year, you have to pay a Kaffarah (expiation) for your oath because of Allah's saying:

(Part No. 20; Page No. 259)

﴾O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.﴿ ﴾And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.﴿ ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families﴿ And His saying: ﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾Allâh has already ordained for you (O men) the absolution from your oaths. And Allâh is your Maulâ (Lord, or Master, or Protector) and He is the All-Knower, the All-Wise.﴿ The Kaffarah of an oath is to feed ten needy people or clothe them or to free a slave. Whoever cannot afford to do so must fast for three days; it is better to be consecutive fasting. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

The sixth question of Fatwa no. 9404

Q 6: I swore by Allah that I would not have sexual intercourse with my wife for 4 months then I had sexual intercourse before the elapse of 4 months. What should I do?

A: If the reality is as mentioned, it will be obligatory upon you to offer the Kaffarah (expiation) of a broken oath:

(Part No. 20; Page No. 260)

(1) to feed ten needy people of the average food you bring to your family, or (2) to clothe them, or (3) to free a Muslim slave. If you are unable to do so, then you have to fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Deputy Chairman	Chairman
`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The third question of Fatwa no. 10298

Q 3: what is the ruling on a husband who swears not to have sexual intercourse with his wife, but later breaks his oath? Is this permissible or not?

A: It is not permissible for a Muslim to take an oath not to have sexual intercourse with his wife. If he does so, he will be given respite for four months. If he changes his mind and resumes sexual intercourse with her, he will be able to resume his marital life with her. If he refuses to resume such relation, the official authority should separate them. Allah (Exalted be He) says: ﴾Those who take an oath not to have sexual relation with their wives must wait for four months, then if they return (change their idea in this period), verily, Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾And if they decide upon divorce, then Allâh is All-Hearer, All-Knower.﴿

(Part No. 20; Page No. 261)

May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 20443

Q 2: What is the ruling on a person who deserts his wife for more than three months? It should be noted that the desertion is meant to discipline her in order to give up some misbehavior that usually gives rise to problems between spouses but does not contradict Shari`ah (Islamic law)? Does this desertion come under the ruling of Ila' (husband's oath not to have intercourse with his wife for four months or more)? Please explain!

A: if a man deserts his wife for more than three months for her Nushuz (the state when one spouse violates their marital duties), meaning that she disobeys her husband with regard to her marital duties towards him, and she insists on that after being admonished and warned against the Wrath of Allah by the husband, and after being reminded of her duties towards him, the husband is allowed to desert her in bed as he likes. This is considered a disciplinary procedure until she carries out her obligations willingly. The Prophet (peace be upon him) abandoned his wives in bed for a month. However, the husband is not permitted to avoid speaking with her for more than three days. It was authentically reported on the authority of Anas ibn Malik (may Allah be pleased with him) that the Prophet (peace be upon him) said:

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("It is not permissible for any Muslim to desert his (Muslim) brother for more than three days.") (Related by Al-Bukhari and Muslim in the Two Sahih (authentic) Books of Hadith and Ahmad in his Musnad (Hadith compilation)) However, if a husband deserts his wife in bed for more than four months in order to hurt her without any negligence on her part concerning her duties towards him, he will come under the ruling of Ila', even if he does not take an oath. In this case, he will be subject to the four-month respite period mentioned above. The husband will be obliged to divorce his wife if the four-month period expires without having sexual intercourse with her, in default of any excuse, such as his being disable or his wife being in a menstrual or postpartum period. If he refuses to return to her or to divorce her, the judge is to divorce her or annul their marriage, at the wife's request.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
Bakr ibn `Abdullah Abu Zayd	Salih ibn Fawzan Al-Fawzan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Zhihar

Fatwa no. 628

Q: a man had a dispute with his maternal uncle and swore that his wife would become unlawful for him if he reconciled with his uncle without the latter slaughtering an animal and inviting him and his family to eat from it. The man is asking about what should be done if he reconciles with his uncle without the latter fulfilling the condition.

A: If the reality is as mentioned, that the man declared his wife to be unlawful for him if he reconciled with his maternal uncle without the latter slaughtering an animal, and then he broke this oath by reconciling with his uncle without an animal slaughtered, he must make Kaffarah (expiation) for making Zhihar (a man likening his wife to an unmarriageable relative). As such, he must free a believing slave, and if he cannot, he may fast for two consecutive months, and if he cannot, he should feed sixty poor persons and this is before having sexual intercourse with his wife. Allah (Exalted be He) says: ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 133

Q: Please be advised that a twenty-year-old man married a twelve-year-old girl. When they quarreled, he unintentionally said to her that he would rather have sexual intercourse with his mother than with her. Please advise concerning this.

A: If a man unintentionally says to his wife that he would rather have sexual intercourse with his mother than with her, this is considered Zhihar (a man likening his wife to an unmarriageable relative). It is an objectionable statement and falsehood that is forbidden for a Muslim to say, according to Allah's saying, ﴾Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie. And verily, Allâh is Oft-Pardoning, Oft-Forgiving.﴿ If he wants to return to his wife, he must pay a Kaffarah (expiation)

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first by emancipating a believing slave. If he cannot do that, he must observe Sawm (fasting) for two consecutive months. If he cannot do that, he must feed sixty needy people, according to Allah's saying, ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 196

Q: i have children from my previous wife who died. i then married my present wife. i took my children from my first wife to live with my second wife but she swore that she would not take care of them and then i said to her, "You will be unlawful to me, if you do not take care of my children." Do these words make her unlawful to me?

A: Since the questioner mentioned that he had said to his wife "You will be unlawful to me,

if you do not take care of my children," then if she takes care of them, she will not be unlawful for him and if not, his saying to his wife "you will be unlawful to me" will be regarded Zhihar (a man likening his wife to an unmarriageable relative) which requires him to offer expiation of Zhihar, by freeing a Muslim slave. If he is unable to do so, he has to fast two successive months. If he is unable to do so, he has to feed sixty needy people each half a Sa` (1 Sa` = 2.172 kg) from the common food of the country and it is not permissible for him to have sex with his wife unless he offers an expiation of Zhihar. With regards to your wife's oath that she will not take care of your children, she has to break it and take care of the children then offer a Kaffarah (expiation) of a broken oath, by feeding ten needy people each half a Sa` (1 Sa` = 2.172 kg) from the common food of the country or clothing them or freeing a Muslim slave. If she is unable to do so, she will have to fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions! Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 320

Q: a man traveled to another country and left his wife at home with his parents. Then, the news came to him that his wife left his home and returned to her parents. He said, "My wife is as unlawful to me

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as my mother." Later, he made sure of the truth of this news. What is the ruling on this?

A: If the situation is as you have mentioned, that you said, "My wife is as unlawful to me as my mother", based on what you heard of her leaving your home, and then you made sure that the news was true, this will be considered Zhihar (a man likening his wife to an unmarriageable relative); it is prohibited and you should perform Tawbah (repentance to Allah) of it, according to Allah's saying, (Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie.) If you want to return to your wife, you must observe Sawm (fasting) for two consecutive months before having intercourse with her. This is in case you find no slave to emancipate. If you cannot observe Sawm, you must feed sixty needy people before having intercourse with her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 207

Q: a man swore that his wife would be unlawful for him if he lodged her in al-Qu`ah in Al-Hillah Al-Tali`iyyah. He mentioned that by deeming her unlawful he meant to liken her to his mother. Now, he is asking about the consequences of taking this oath, if there is a necessity to lodge her in Al-Hillah?

A: If the matter is as mentioned that he rendered his wife unlawful for him if he lodged her in Al-Qu`ah, he must make Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative) if he broke his oath. The Kaffarah in this case is to fast for two consecutive months since freeing a slave is unavailable. If he cannot do this, he must feed sixty needy persons. This must be done before he has sexual intercourse with her. Allah (Exalted be He) says: ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 221

Q: A man said to his wife "You are divorced. You are unlawful for me just as Makkah is unlawful for the Jews (i.e. they are forbidden from entering it)." He, then, revoked the Talaq (divorce pronounced by a husband) in the presence of witnesses. The revocation was made directly after Talaq. Is the wife lawful for him?

A: The husband's saying to his wife "You are divorced" counts as one pronouncement of Talaq. If this has not been the third pronouncement of Talaq, his revocation is valid and there is no need for her consent or the conclusion of a new marriage contract. If this has been the third pronouncement of Talaq, the wife will not be lawful for her ex-husband until she marries another man and consummates the marriage and she is then divorced and her `Iddah (woman's prescribed waiting period after divorce) expires. These procedures should take their normal course and Talaq should not be done deliberately just to legalize her marriage with her ex-husband. As for the husband's saying "You are unlawful for me just as Makkah is unlawful for the Jews," if the Talaq has been the third one, his wife will be regarded as a non-Mahram (not a spouse) for him and, thus, his statement will have no effect. If it has not been the third pronouncement of Talaq, the husband's statement will be considered a form of Zhihar (a man likening his wife to an unmarriageable relative). Accordingly, he must pay Kaffarah (expiation) for Zhihar, which is emancipating a believing slave. If he cannot find one, he should observe Sawm (Fast) for two consecutive months. If he is unable to do this, he must feed sixty Miskins (needy persons); each is given half a Sa` (1 Sa` = 2.172 kg) of the staple food available. It is not permissible for him to approach her before fulfilling the Kaffarah of Zhihar.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 375

All Praise is due to Allah Alone and peace and blessings be upon the last Prophet. To commence: The Permanent Committee for Scholarly Research and Ifta' has perused the papers submitted by his Eminence, the judge of Khamis Mushayt, which are attached to his letter no. 3368 on 23/12/1392 A.H. to his Excellence, the chairman of the Departments of Scholarly Research, Ifta', Call and Guidance, and which was referred to it from the General Secretariat of the Council of Senior Scholars no. 1911/2 on 23/12/1392 A.H.

After having perused these papers, the Committee has found that it may be summed up in the following: 1. Someone seeks a Fatwa (a formal legal opinion) saying: I have a wife, who is the mother of my children. She gave birth to two daughters and her family forced me to divorce her. Then she married another man and gave birth to a daughter before he divorced her. Afterwards, I married her again and she gave birth to two daughters. I gave one of my daughters in marriage to one of my family. When they had problems in their marital life,

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I thought that the cause of these problems was my wife, so i said to her: By Allah, you will be like my mother if the marital relationship of your daughter and her husband is not good. Later on, I discovered that the disagreement between my daughter and her husband was not because of my wife. Could you please advise? It is worth mentioning that I asked the judge of Khamis Mushayt, who told me that I had to fast for two months. Since I could not fast because of my sickness, the family of my wife came and took her from my house and said: Either observe fast for two months or divorce her, I said to the man in charge, `Aly ibn Sa`id ibn Salimah: Write to them a paper of divorce as directed by the Sunnah in order for them to leave me alone until I ask about the matter. When I went to the judge the second time and informed him about my sickness, he said: You have to feed sixty needy people and take your wife in marraige with a new contract. 2. A letter from his Excellence, the chairman of the Department of Scholarly Researches, Ifta', Call and Guidance to his Eminence, the judge of Khamis Mushayt no. 3186 on 6/8/1392 A.H., to make sure of what the questioner mentioned. 3. A letter from his Eminence, the judge of Khamis Mushayt no. 3368 on 26/11/1392 A.H. and attached to it

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the minutes explaining the case no. 40, p. 119. The abstract of these minutes is as follows: This man came to him and admitted the letter mentioned above and his wife came to him and admitted the marriage and divorce. She also admitted the second marriage and the offspring and said that she did not hear the second divorce from her husband directly but it was conveyed to her. Then her two brothers came and admitted that he divorced her more than the times he mentioned in the question in the house of someone in Raghwah by saying: I divorce her and this is the exact wording of the last divorce. When he asked the Shaykh, he said to him: You have to fast for two months,"

but he could not, so we concluded her divorce as directed by the Sunnah. The divorce was on 2/6/1392 A.H. Hasan denied the divorce which her two brothers claimed and said that they had a witness. He also confirmed that they had no witnesses. Therefore, the judge told him that he should offer the Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) because he asked him about Zhihar only. After a while, he came to ask him about divorce, so he asked him to bring the wife and her Waliy (a legally accountable person acting for a woman seeking marriage) but he did not come again.

After the Committee studied the case, it's answer came as follows: The questioner mentioned that he divorced his wife and she married another man and was divorced then he married her again. He made Zhihar because he thought that she ruined the marital life of her daughter. Later on, he discovered that the

failure of marital life of his daughter was not because of his wife. When he asked his Eminence, the judge of Khamis Mushayt about Zhihar, he told him that he should fast for two months. Since he is sick and could not observe fasting and the family of his wife took her and said to him: Either to fast or to divorce her, he divorced her as directed by the Sunnah. Accordingly, there is no Zhihar here and it does not count because he made it according to a matter which he later discovered to be wrong so he should not offer the Kaffarah for Zhihar. As for the divorce which is registered by `Aly ibn Sa`id, it will not be effective or counted. It is mentioned in an attached paper his saying: When we asked the Shaykh and told him to fast for two months and he could not do that, we concluded her divorce as directed by the Sunnah. This shows that the husband divorced his wife because of his incapability of observing fasting for two months as Kaffarah for Zhihar which was issued first. The judge gave him a Fatwa about that and the judge admitted that. Consequently, divorce was based on a doubtful matter and proved to be not necessary, so it will not happen. As for the divorce which the Waliy of the wife claimed but the husband denied and both of them claimed that they have witnesses but they did not come, it's ruling is up to the judge.

My Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The first question of Fatwa no. 557

Q 1: some husbands say to their wives, "I am your brother, and you are my sister." What is the ruling on that?

A: Sometime a husband says to his wife, "I am your brother and you are my sister," or "you are my mother," or "like my mother," or "you are like a mother or sister to me". If he intends thereby he will honor and respect her like them, or if he has no particular intention and it is not accompanied by anything that indicates Zhihar (a man likening his wife to an unmarriageable relative), then this does not count as Zhihar and he does not have to make any Kaffarah (expiation). But if he intends Zhihar by such words, or they are accompanied by something that indicates Zhihar such as a state of anger or some threatening words, then it is Zhihar and it is Haram (prohibited). He must perform Tawbah (repentance to Allah) and make Kaffarah before he has sexual intercourse with her. The Kaffarah is to free a slave, and if this is not possible, then to fast for two consecutive months; if this is not possible as well, then to feed sixty poor persons.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

The second question of Fatwa no. 765

Q 2: i deemed my wife unlawful to me and said that she is as unlawful to me as my mother. is she really considered unlawful to me? I was in a state of anger at that time.

A: This is considered Zhihar (a man likening his wife to an unmarriageable relative), not divorce. If you want to return to your wife, you must pay the Kaffarah (expiation) for Zhihar before having intercourse with her. Allah has told us the Kaffarah for Zhihar in His saying, ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 818

Q: a man died leaving two wives. The man had said to one of them twelve years before his death, "You are to me as my mother." Ever since he said it, he did not touch her until his death. Does this wife have a share in the man's inheritance?

A: If the reality is as you mentioned, that the man said to one of his wives, "You are to me as my mother" and did nothing else, this would be Zhihar (a man likening his wife to an unmarriageable relative). Zhihar does not mean that the wife is divorced irrevocably. She remains with her husband, but it is not permissible for him to touch her before making Kaffarah (expiation) for Zhihar. Since this husband has died leaving this wife and the other one, both are entitled to their shares of his inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1018

Q: I had a dispute with my elder brother during which he said in a fit of anger, "My wife is unlawful for me as my mother." My brother has concluded the contract but has not consummated the marriage yet. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar).

A: If the reality is as you mentioned, that your brother made his wife unlawful to him, if it occurred after concluding his marriage contract, he has committed a grave sin and he should make Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative). He must make the Kaffarah before approaching his wife whether he said that before or after consummating the marriage. The Kaffarah for Zhihar is to manumit a believing slave, if this is not possible he is to fast for two successive months. If this also is not possible, he must feed sixty needy persons, half a Sa` (1 Sa` = 2.172 kg) of wheat each. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 1187

Q: a woman had a dispute with her daughter-in-law, so the woman's husband became very angry and told his wife that she was unlawful to him for one year. This took place on 9/1/1396 a.H. Their children cried and wept. What should the man do now?

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A: If the reality is as you mentioned, what this husband has done is called Zhihar (a man likening his wife to an unmarriageable relative) even if it is limited in time to one year, it is still an ill word and a lie. This man should seek Allah's Forgiveness and perform Tawbah (repentance to Allah) from this evil act. Allah (Exalted be He) says: ﴿Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie. And verily, Allâh is Oft-Pardoning, Oft-Forgiving.﴾ If this man has not had sexual intercourse with his wife for the whole year, there is no Kaffarah (expiation) due on him, but if he has had sexual intercourse with her during the year, he should make Kaffarah for Zhihar. This is to manumit a believing slave if he is able, or if not, to fast for two successive months. If this is also not possible, he must feed sixty needy people, half a Sa` (1 Sa` = 2.172 kg) of the country's food; dates, rice or the like, for each person. Allah (Exalted be He) says: ﴿Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie. And verily, Allâh is Oft-Pardoning, Oft-Forgiving.﴾ ﴿And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴾ ﴿And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor). That is in order that you may have perfect Faith in Allâh and His Messenger. These are the limits set by Allâh.﴾

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1476

Q: Someone betrothed a woman and before the conclusion of their contract of marriage he had a dispute with her father and said: "You (his betrothed) are unlawful to me like my mother and my sister." Afterwards, the concerned person and the father of his fiancée reconciled their dispute and the contract of marriage was concluded for a specific Mahr (mandatory gift to a bride from her groom) according to the consent and choice of all the concerned parties. The question is whether it is Wajib (obligatory) on such a person to offer a Kaffarah (expiation) because of the unlawfulness that he declared and if so what is it exactly?

A: Such unlawfulness does not affect the contract of marriage in any way and no Kaffarah of Zhihar (a man likening his wife to an unmarriageable relative) is required due to the fact that the concerned unlawfulness took place before the start of marriage. However, the husband in question has to make an oath Kaffarah (expiation) for Allah (Exalted be He) says,

﴾O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors.﴿ ﴾And eat of the things which Allâh has provided for you, lawful and good, and fear Allâh in Whom you believe.﴿ ﴾Allâh will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its expiation feed ten Masâkîn (poor persons), on a scale of the average of that with which you feed your own families, or clothe them or manumit a slave. But whosoever cannot afford (that), then he should fast for three days. That is the expiation for the oaths when you have sworn. And protect your oaths (i.e. do not swear much).﴿ and: ﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾Allâh has already ordained for you (O men) the absolution from your oaths. And Allâh is your Maulâ (Lord, or Master, or Protector) and He is the All-Knower, the All-Wise.﴿ Accordingly, the husband in question has to feed ten Miskins (needy people) on a scale of the average of that with which he feeds his own family by giving each Miskin (needy person) half a Sa` (1 Sa` = 2.172 kg) of wheat, dates, rice, or whatever food of his country; clothe ten Miskins, free a slave, or observe Sawm (Fast) for three days preferably in succession if he is unable to do any of the foregoing. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no.16133

Q: I proposed to a girl who accepted me at first, but after a short period of time she refused to go on with the marriage. Later, she agreed once again and the engagement continued for one year. One day, I visited her in the presence of her brother, and we had a dispute until I became very upset with her. i said to her in the presence of her brother that i was no longer her fiance and she could consider me as her brother, i.e. i am unlawful to her as her brother. I said this while in a state of anger, and I did not feel that I did something wrong at that time. I really want to marry this girl, bearing in mind that she is a virgin and for the second time I want to propose to her and complete the marriage if she agrees. I hope Your Eminence will tell me if she is unlawful for me because of what I have said, or if I should make Kaffarah (expiation). What should I do if I married her? I am waiting for your Fatwa (legal opinion issued by a qualified Muslim scholar) to determine what I should do in this regard.

A: If the reality is as you mentioned, then you must make Kaffarah for your oath if you marry her. She is not unlawful for you, because at the time you said such words, she was not your wife. Anyone who declares the lawful as unlawful must make Kaffarah for breaking their oath. This Kaffarah is to feed ten needy people or clothe them, or free a believing slave. If you are unable to do this, you may fast for three days.

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Fatwa no. 1172

Q: a woman began to neglect Salah (Prayer), so her husband got angry and said, "She is unlawful to me starting from this day." What are the consequences of this?

A: Saying to his wife "You are unlawful to me" is considered Zhihar (a man likening his wife to an unmarriageable relative). If he wants to return to her, he must pay the Kaffarah (expiation) for Zhihar, which is emancipating a slave. If he cannot do it, he must observe Sawm (fasting) for two consecutive months. If he cannot do it, he must feed sixty needy people, half a Sa` (1 Sa` = 2.172 kg) of food each, whether dates or anything else, before having intercourse with her, according to Allah's saying, ﴾Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie. And verily, Allâh is Oft-Pardoning, Oft-Forgiving.﴿ ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor). That is in order that you may have perfect Faith in Allâh and His Messenger. These are the limits set by Allâh.﴿

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Fatwa no 3554

Q: i had an argument with my wife. Then, i lost my temper and said to her, "You will be unlawful to me just like my mother; never shall my body touch yours as long as i am alive."

A: If you mean by these words to divorce your wife, she will be divorced one time and it will be permissible for you to return to her in marriage as long as she is in the `Iddah (woman's prescribed waiting period after divorce or widowhood) if this is not the third time of divorce. However, if by saying these words you do not mean to divorce her, you have to offer the expiation of Zhihar (a man likening his wife to an unmarriageable relative) by freeing a Muslim slave. If you are unable to do so, you have to fast two successive months. If you are unable to do so, you have to feed sixty needy people each half a Sa` (1 Sa` = 2.172 kg) of wheat, rice, or such staple food, and it is not considered a time of divorce.

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 3762

Q: I wished to marry my paternal cousin. When I went to ask my uncle for her hand in marriage, he said I should wait until she would finish her study. I became angry because of this, left my uncle and went away. When my brother learned of what had happened, he blamed me and advised me to return to my uncle to ask him for her hand again, perhaps he might agree. At the time, I said, "She is unlawful for me like my father." After a while, I regretted saying that and wished to conclude this marriage.

I would like to ask Your Eminence whether what I said renders her unlawful for me or not. It should be mentioned that I had not concluded a marriage contract with her or had even been promised of her consent. However, when I went to propose to her, her father said that she was still studying and, therefore, he could not give me his word until she would finish her study. Does my previous saying that she is unlawful for me like my father make her unlawful to me or not?

A: If the reality is as you mentioned, it is permissible for you to marry her, but in this case you should make Kaffarah (expiation) for an oath. This is considered an oath

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and not Zhihar (a man likening his wife to an unmarriageable relative) since you have pronounced it before concluding the marriage contract. Kaffarah in this case is to feed ten needy persons from the average of that what you feed your family, half a Sa` (1 Sa` = 2.172 kg) of rice or the like of the commonly used food for each person, clothe them or free a slave. If you cannot do this, you must fast for three days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions! Permanent Committee for Scholarly Research and Ifta'

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Fatwa no. 3472

Q: i had some disputes with a neighbor and in one occasion, i took an oath saying, "My wife will be like my daughters and mother to me if i ever eat from your food." Later on, I regretted what I said and wished to restore the friendship I once had with my neighbor. Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) concerning what I should do.

A: If you meant by saying "My wife will be like my daughters and mother to me" to prohibit sexual intercourse with your wife if you eat from your neighbor's food, you have to make Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative) if you break your oath. The Kaffarah will be fulfilled if you free a believing slave; if you cannot find one, then you should fast for two successive months. Again if you are unable to fast, you must feed sixty needy people before you can resume intimacy with your wife.

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If you only meant to prohibit your neighbor's food to yourself, you will have to make Kaffarah for breaking your oath (if you eat from his food) which is feeding ten needy people. It is sufficient to give them five Sa`s (1 Sa` = 2.172 kg) of wheat, dates, rice or any of the staple foodstuffs of your family; or to clothe ten needy people or to emancipate a believing slave. If you are unable to do so, you must fast for three - preferably successive - days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4622

Q: I was living with a friend of mine, but we argued with each other about a vessel which he accused me of breaking. When he insisted that I had broken it even though I did not, I said hastily: "My sister will be like my wife or my wife like my sister if I am the one who has broken it." Because I was certain that I did not break it, I uttered this statement. I am afraid of committing a sin. I live away from my family. Is this statement considered Zhihar (a man likening his wife to an unmarriageable relative)? I hope Your Eminence would give me a satisfactory answer. It is worth mentioning that my wife does not live with me in my workplace; she lives in my homeland. I am Muslim and I perform Salah (Prayer), observe Sawm (Fast),

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and fear Allah, but this is what has happened. Please, save me from torment on the Judgment Day!

A: If the reality is as you mentioned, your oath of Zhihar is not effective because you took this oath - by likening your sister to your wife or your wife to your sister - while you were telling the truth. However, we advise you to take care of this in the future, because Allah (Glorified and Exalted be He) has described Zhihar as being an objectionable statement and falsehood. We seek refuge with Allah (Exalted be He) from the incitements of Satan. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4538

Q: I pronounced the word of Zhihar (a man likening his wife to an unmarriageable relative). Some scholars told me that I must fast for two successive months. Taking into consideration that I work and cannot fast, is it permissible for me to feed sixty needy persons instead of fasting? Is it permissible to send money to the needy Muslims in Afghanistan instead of feeding people here? Please, enlighten us, and may Allah reward you good!

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A: If the reality is as you mentioned, that you have to make Kaffarah (expiation) for Zhihar and you cannot free a believing slave or fast for two successive months, then you have to feed sixty needy persons each half a Sa` (1 Sa` = 2.172 kg) of wheat, rice, or anything else. It is not permissible for you to pay money instead of feeding the sixty needy persons based on the Islamic texts from the Qur'an or Sunnah (whatever is reported from the Prophet). You should not approach your wife until you make the Kaffarah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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questioning the validity of a woman's practice of Zhihar

Fatwa no. 1152

Q: My mother was ill in the hospital during her postpartum period before Salab [my father] could have intercourse with her. She left the hospital on one of the nights of Ramadan and had an argument with my father. She said to him, "You will not be my husband anymore; to me you are unlawful like a father." He also lost his temper and said, "You are unlawful to me like a mother."

A: If the reality is as mentioned by the person asking the question, what the father said

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is Zhihar (a man's likening his wife to an unmarriageable relative). The Kaffarah (expiation) of Zhihar is to free a Muslim slave. If you are unable to do so, you have to fast two successive months. If you are unable to do so, you have to feed sixty needy persons. The following saying of Allah (Exalted be He) indicates this: ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿ What you said is a false utterance and ill word from which you should repent to Allah and seek His Forgiveness. Allah (Exalted be He) says, ﴾Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie.﴿ Allah calls it an ill word and a lie; it is unlawful and requires the person to repent to Allah and seek His Forgiveness. With regards to what the wife said, it is not Zhihar according to the Saying of Allah (Exalted be He), ﴾Those among you who make their wives unlawful to them by (Zihâr الظهار) (i.e. by saying to them "You are like my mother's back,")﴿ In this verse, Allah addresses the husbands. The wife subsequently has to offer a Kaffarah (expiation) of a broken oath; because whoever makes unlawful what Allah made lawful

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has to offer the Kaffarah of a broken oath according to the Saying of Allah (Exalted be He), ﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you, seeking to please your wives? And Allâh is Oft-Forgiving, Most Merciful.﴿ ﴾Allâh has already ordained for you (O men) the absolution from your oaths. And Allâh is your Maulâ (Lord, or Master, or Protector) and He is the All-Knower, the All-Wise.﴿ The wife hence has to repent to Allah of this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 6130

Q: a woman said to her husband "You are unlawful to me just like my son" but later regretted it when it was too late. We hope your Eminence will explain whether she will be divorced or have to offer a Kaffarah?

A: If the reality is as mentioned, her husband cannot be unlawful to her according to these words and she has to seek Allah's Forgiveness and repent to him of making unlawful that which Allah made lawful. She also has to feed ten needy people each one half a Sa` (1 Sa`= 2.172 kg) of wheat, barely or such staple food, or clothe them. If she is unable to do so, she has to fast three days;

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because her declaring her husband as unlawful to her has the same ruling as a broken oath. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 5839

Q: Two weeks ago, a friend phoned and said that he was going to visit us along with his family in order to see my eldest daughter (12 years old), who had a surgery. I wanted to notify my wife of the visit to get ready and hospitably receive the guests. For more than one hour, I tried in vain to contact my house but the line was continuously busy. I became very furious and frustrated, since it was not my wife's first time doing this. I have discussed the matter with her several times and advised her to give up this bad habit. I know that she spends hours talking to friends over the phone. I already brought it to her attention that the phone was not meant for entertainment and that it should be used appropriately in ways that serve its purpose.

When she took my words lightly and completely disregarded my instructions, I smashed the phone in order to put an end to this daily nuisance.

When I returned home yesterday, my youngest daughter told me that my wife had gone to the market - of course without my permission - and bought a new telephone set. I became furious and had a heated discussion with my wife again. As a result, my wife said, "I am sick of living with you!" "may Allah strike my father who was the cause of my misfortune," "You are forbidden to me as a husband," and "Be a man and divorce me!" This outburst fueled my anger, as she was defying my authority as a man and as head of the household in front of my brother-in-law and my daughters. She was yelling to the extent that the neighbors could hear our argument. In her fit of anger, she asked me to give the phone to a neighboring family and to get a third party involved in the problem. I left the house to avoid further escalation of the situation.

Yet, I was overwhelmed with the thought of Talaq (divorce pronounced by a husband) as the best way to get rid of this quarrelsome and stubborn wife; no other remedy would prove successful for this

persistent and ever complicating problem. I regretted I did not take the decision years earlier before we had such large number of children, but I always hoped that Allah would guide her one day. Sorrowfully, there was no change and matters got worse day after day. She always argued and mixed between past and current issues when I advised her. For instance, when we go out by car and I ask her to cover her face, she opposes me, saying that she is more decent than many women that cover their faces. Following attempts to convince her that these are the teachings and the spirit of Islam, she covers her face with one layer of the scarf, under the pretext that the weather is hot and she cannot breathe comfortably. Whenever I order her to perform Salah (Prayer), she argues with me, saying that purity of the heart is the main point, not the Salah, which is not accompanied by any good deeds. She accuses me of not practicing what I preach; I pray, she argues, but I am oppressive and harsh. What is the ruling of Islam on

her saying "You are forbidden to me as a husband" and her request of divorce by saying "Be a man and divorce me"? She threw my youngest daughter on the ground and demanded me to take my children and relieve her of them. Of course, I told her that I am ready to divorce her and marry another woman who is more religious, well-mannered and obedient; otherwise, I would not be a real man.

A: If the reality is as you mentioned, your wife does not become forbidden to you by her saying, "You are forbidden to me as a husband" or by her request of Talaq, when she said, "Be a man and divorce me." However, she must make Kaffarah (expiation) for an oath due to her forbidding what is lawful. Likewise, Talaq is not effective by your saying that you are ready to divorce your wife and marry another woman who is more religious, well-mannered and obedient; otherwise, you would not be a real man. You should continue to advise her gently, tolerate her, and be patient with her. Similarly, she should listen to your advice and accept whatever good you enjoin upon her. She must perform Salah at its due time and protect herself by observing Hijab. Both of you should fulfill the mutual rights and duties that Shari`ah (Islamic law) prescribes on you on the individual and family levels. May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

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The fifth question of Fatwa no. 5912

Q 5: What is the ruling on a man who swore that his wife would be unlawful for him if she entered her maternal uncle's house, then after some time she went there with his consent?

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A: If the husband's intention when he swore that oath was only to forbid his wife from entering her maternal uncle's house, and she did enter it, he must offer Kaffarah (expiation) for breaking an oath. The Kaffarah is to feed ten Miskins (needy people) the average meal that one feeds their family, or to provide them with clothing, or to emancipate a believing slave. In case he is unable to carry out any of these, he must observe Sawm (Fast) for three days. However, if his intention was to declare her unlawful for him as his mother, then he must offer Kaffarah for Zhihar (a man likening his wife to an unmarriageable relative) before he can resume intimacy with her. The Kaffarah for Zhihar is to emancipate a believing slave. In case he cannot find any, he must observe Sawm for two consecutive months. If he is unable to do this, he must feed sixty Miskins. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 6627

Q: On Sunday, 10/1/1404 A.H. i was in a fit of rage, so i said to my wife "You are like my sister." What is the ruling on this?

A: If the reality is as mentioned, you have to free a Muslim slave. If you are unable to do so, you have to fast two successive months. If you are unable to do so, you have to feed sixty needy people each one half of a Sa` (1 Sa` = 2.172 kg) and to seek Allah's Forgiveness

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and repent to Him of this saying, as it is of the false utterances which Allah (may He praised and Exalted) has forbidden. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 6762

Q: I got married more than eight years ago and I have three children. One day i had a dispute with my wife so i deemed her unlawful to me like my mother until the following month. Then we reconciled with each other but I could not control myself and we had sexual intercourse before the expiry of the month. What is the Kaffarah (expiation) that I may offer for the foregoing? I am waiting your guidelines impatiently bearing in mind that I can not forsake my wife who is the mother of my three children. I am happy with my wife but I only deemed her unlawful to me for one month because my extreme anger compelled me to do so. May Allah reward you with the best.

A: If the reality is exactly as what you have mentioned, it will be Wajib (obligatory) on you, before you resume your marriage, to free a Muslim slave or, if you are unable to do so, to observe Sawm (Fast) for two successive months or, if you are unable to do so,

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to feed sixty Miskins (needy people) by giving each Miskin (needy person) half a Sa` of the food of the country i.e. rice or the like bearing in mind that half a Sa` is about one kilo and half. The concerned person has to also make Tawbah (repentance to Allah) and Istighfar (seeking forgiveness from Allah). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 6135

Q 1: if a man tells his wife that if she does such and such she will be unlawful for him, then she does it; does she become unlawful for him or not? Is it permissible for him to take her back in marriage in case she is considered divorced?

A: First, if his intention is to prevent her from doing a certain act then she does it, his statement is considered an oath and Kaffarah (expiation) for an oath must be offered. The Kaffarah is to feed ten Miskins (needy persons), or to provide them with clothing, or to emancipate a believing slave. If he cannot afford any of these, he must observe Sawm (Fast) for three days. **Second,** if he means by his statement to render his wife unlawful for him by likening her to one of his Mahrams (unmarriageable relatives), such as his mother or sister, it is considered Zhihar; and its Kaffarah is to emancipate a believing slave. If he cannot find any, he must observe Sawm for two consecutive months. If he is not able to observe Sawm, he must feed sixty Miskins before resuming intimacy with his wife.

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Fatwa no. 9010

Q: i had a disagreement with my wife and was very outraged. i flied into fury, lost my temper and told her that she was unlawful to me and i would not approach her. Your Eminence, please advice. May Allah grant you success!

A: If you mean by these words Zhihar (a man likening his wife to an unmarriageable relative), you must make Kaffarah (expiation) for Zhihar which is to set free a believing slave. If you are incapable of doing so, you must fast for two successive months. If you are not able to do this, you must feed sixty needy persons before you approach your wife. On the other hand, if you intend by your words Talaq (divorce pronounced by a husband), it will be considered one pronouncement of Talaq and it is permissible for you to take her back during her `Iddah (woman's prescribed waiting period after divorce or widowhood) as long as this is not the last of the three pronouncements of Talaq. If by saying so, you only mean not to approach her, and not to divorce or make Zhihar, you have to make Kaffarah (expiation) for breaking the oath. That is to set free a believing slave, feed or clothe ten needy persons, but if you cannot afford that, you must observe fasting for three days.

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Fatwa no. 12780

Q: What is the ruling on a person who pronounces Zhihar (likening his wife to an unmarriageable relative) saying to his wives in a fit of rage during an argument with them, "To me, you are all like my mother in marriage." Is this man's saying considered a divorce or he has to offer a Kaffarah (expiation)? If he has to offer a Kaffarah, should he offer a separate Kaffarah for each wife because he has two wives. As he cannot free a Muslim slave in the present time, does he have to offer Kaffarah by fasting. Should he fast four successive months, two months for each wife as a Kaffarah or should he fast two successive months as a Kaffarah for both of them? I hope your Eminence will explain this matter in detail. May Allah reward you with the best!

A: The man who committed Zhihar as mentioned in the question has to offer one Kaffarah of Zhihar for all his wives because he made Zhihar for all of them by one saying. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 12842

Q 2: i had a dispute with one of my wives after which, each time i attempted to enter the house she would lock the doors. As a result, i told her that she is unlawful for me like my mother until she becomes pleased. is this considered a Zhihar (a man likening his wife to an unmarriageable relative)? Please answer us, and may Allah reward you good!

A: What you said to your wife is considered Zhihar that necessitates making Kaffarah (expiation) before you approach her again. You can do this by freeing a believing slave, or if you cannot afford it, by fasting for two consecutive months. If you are unable to do this as well, you must feed sixty needy persons. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 14271

Q 2: One of my colleagues told me that he said to his wife: "You are unlawful to me as my mother if you concealed anything from me". By that he meant any indecent relations, as he had doubts about her behavior. What is the ruling if she concealed anything from him? And if she told him what she did, does she become unlawful for him because he made a condition? What is the ruling on

what he did? He truly regrets what he has done and pities their children. His wife loves him, but he now sleeps alone because he thinks that she may be unlawful for him, and he says that she told him what she has done. Kindly give us your Fatwa in this regard? May Allah reward you the best.

A: If she told him what she did regarding her sinful acts, there is no Zhihar (a man likening his wife to an unmarriageable relative), and also in case she is innocent of any such shameful acts. However, if she has done anything sinful upon which the husband made Zhihar conditional, then it took place and he must make Kaffarah (expiation) before having sexual intercourse with her. He must free a bondsman and in the event that he is unable to do this, he is to fast two consecutive months. If he is unable to do this, he may feed sixty poor people. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14536

Q: some years after my marriage to my first wife, she asked me to say that she would be to me like my mother if I married again. she wanted to guarantee that I would not marry another woman. I said these words to please her while being unaware of their ruling. However, I have recently found out that this statement is very significant even though when I uttered it I was unaware of the ruling; and I am illiterate. Now I want to marry another woman, but this statement prevents me from doing this. It is worth mentioning that I will never

neglect my duties towards my first wife.

I am asking about the Kaffarah (expiation) of this statement, which I uttered while not understanding its ruling. I would like to inform you that I suffer from pneumonitis and I am not recommended to observe Sawm (Fast) during Ramadan according to the doctors' report. I wish to know the correct way that guides me to the good in sha'a-Allah (if Allah wills). May Allah guide you to what is beneficial to this Ummah (nation based on one creed)!

A: There is no problem if you get married, but then you should not have any sexual relations with your first wife until you make Kaffarah of Zhihar (a man likening his wife to an unmarriageable relative), which is emancipating a believing slave. If this is not available, you should observe Sawm (Fast) for two consecutive months before approaching your wife. If you are unable to do so, you must feed sixty Miskins (needy persons), by giving each one half a Sa` (1 Sa` = 2.172 kg) of wheat, dates, rice, or any of the staple food available. Allah (Exalted be He) says: ﴿And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴾ ﴿And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor). That is in order that you may have perfect Faith in Allâh and His Messenger. These are the limits set by Allâh. And for disbelievers, there is a painful torment.﴾ Moreover, you should make Tawbah (repentance to Allah) and ask for Allah's Forgiveness because of what you have done.

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Fatwa no. 14609

Q: i have a wife whose name is (...) and we have daughters. This concerned wife went out of the house against my will. i looked for her and i found her at one of my relatives' home. i thus became extremely angry and said to myself: "She is unlawful to me like my mother." Now my wife is staying with her Waliy (a legally accountable person acting for a woman) who denies the return of my wife to my place unless a Fatwa is issued in this regard. Thus I hope that your Eminence will provide me with your beneficial Fatwa. May Allah safeguard you.

A: If you said that your wife is "unlawful to you like your mother", this is considered Zhihar (a man likening his wife to an unmarriageable relative). Accordingly, you have to make a Kaffarah (expiation) of Zhihar and you must not have sexual intercourse with your wife until you offer the Kaffarah. The concerned Kaffarah is to free a Muslim slave, or if you are unable to do so, to observe Sawm (Fast) for two successive months, or if you are unable to do so, to feed sixty Miskins (needy people) by giving each Miskin (needy person) half a Sa` of wheat, dates, rice, or the like of the food of the country.

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Fatwa no. 14608

Q: i had a dispute with my wife upon her visiting her family; i thus made an oath three times saying: "if you visit your family again, you will be unlawful to me in marriage just like my mother and sister." Afterwards, I needed some money so I took her gold jewels to sell them without her consent. When she knew that I had sold her gold jewels, she asked me to bring them back or else she will go to her family's house. I did not reply. After that she went to her family. What is the ruling on this? May Allah reward you with the best!

A: If the reality is as mentioned, that you made Zhihar conditional on your wife's going to her family's house. Then, she went to them, you thus committed Zhihar. Your wife becomes unlawful to you until you offer Kaffarah of Zhihar by freeing a Muslim slave. If you are unable to do so, you have to fast two successive months. If you are unable to do so, you have to feed sixty needy people each one half of Sa`(1 Sa`= 2.172kg) of dried dates, wheat, or rice, and such staple food in the country.

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Fatwa no. 15691

Q: I was extremely angry while having a discussion with my colleague at work, i said to him, "My wife will be prohibited for me as my brother and sister if so and so enters this country and works in this company," meaning that I will not be instrumental in bringing him and employing him in the institution where I work. My intention was not to do him harm; rather I wanted to save him from any harm that another colleague might do him.

Now, my dear brother, what is the Shari`ah ruling if I want to retract my words and enable this man to enter this country and work at this institution, contrary to the oath I had taken; bearing in mind that my family and I follow the Madh-hab (School of Jurisprudence) of Imam Malik (may Allah have mercy on him)? If Kaffarah (expiation) is due, what is its amount and instructions?

Allow me to remind you that when I took the oath, I did not mean to admonish anyone or to settle a problem. Moreover, my wife was not involved in this talk.

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My wife knows nothing about this matter up till now. I am looking forward to your prompt reply and Fatwa.

A: If the case is as you have mentioned, you must offer Kaffarah for Zhihar (a man likening his wife to an unmarriageable relative), if you break your oath, i.e. the man begins working at your institution. The Kaffarah is freeing a believing bondsman, and if you do not find a bondsman to emancipate, you must fast for two consecutive months. If you are also unable to do this, due to illness or old age, you must feed sixty poor persons. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 15761

Q: I have a maternal brother for whom I built a one-story house. When we came to settle our account, he owed me a sum of fifty-five thousand riyals. He asked me to reduce this amount, despite the fact that what he owed me is more than that. Accordingly, I deducted twenty thousand riyals, and thirty-five thousand riyals remained for him to pay. A year later, I claimed my money, but he said he owed me nothing.

I have witnesses and documents proving my right. As a result, I told him that entering his house is forbidden for me as my mother is forbidden for me. I said it when I was extremely angry after he told me that he owed me nothing. Regardless of this,

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I still visit him in his workshop and he is in excellent financial shape. Currently, I am not and will not claim my money from him, but I would like to get out of the problem I am facing due to the prohibition that I have made for myself. I hope from Allah, then you, to provide me with a solution. I would like to stress the fact that what I said was in a fit of anger. May Allah preserve you!

A: You must offer Kaffarah (expiation) of an oath: free a bondsman; feed ten needy persons, half a Sa` (1 Sa` = 2.172 kg) of food each; or clothe them with one garment each. If you cannot afford it, you must fast for three days. After this, there is no harm on you to enter your brother's house, and it is permissible for you to offer the Kaffarah either before or after entering his house. Allah knows best. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 15705

Q: my wife did something that I hated at the time, so without really thinking I brought my mother and sister in front of my wife and said, "If you do this thing again, you are unlawful to me like my mother and sister."

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What is the ruling on this oath and what is the Kaffarah (expiation) for breaking it? What should I do if my wife does what I forbade her to do and my oath becomes effective? Further, what should I do if I want her to do that thing after realizing it benefits us both? Bear in mind that I took this oath 9 years ago. Please enlighten us, may Allah enlighten you!

A: If the case is as you mentioned, you must make Kaffarah for Zhihar (a man likening his wife to an unmarriageable relative) if your wife does what you forbade her to do, whether with or without your approval. Kaffarah for Zhihar is to manumit a believing bondsman and if not, to fast for two successive months. If you cannot fast due to an illness or the like, you must feed 60 needy persons, half a Sa` (1 Sa` = 2.172 kg) each from the country's food such as wheat, rice ... etc. This is approximately equal to one kilo and a half. In addition, you must perform Tawbah (repentance to Allah) and Allah knows best. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 16869

Q: I am an Egyptian living in the Kingdom of Saudi Arabia. I committed a sin in a fit of anger when i said

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to some of my friends that I would not eat with them or else my wife would be unlawful to me like my mother or sister. I am married and have children. Indeed, I did not eat with my friends for three days but a dear friend came and swore I would eat with them and I did. Thus I have broken my oath, what should I do to expiate for it? Please enlighten me, may Allah reward you!

A: If by swearing you meant to prevent yourself from eating with your friends for a limited period of time which ended without you eating with them, there is no harm on you. However if you meant abstaining from ever eating with them and then you ate with them, you must make Kaffarah (expiation) for Zhihar (a man likening his wife to an unmarriageable relative). This is to manumit a believing bondsman, and if not, to fast for two successive months. If this is also not possible, you must feed 60 needy persons and perform Tawbah (repentance to Allah). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17498

Q: I had a dispute with my wife one day because she wanted to go to her family's house while I was at work.

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I refused because her parents' house is far from our house, and I feared her having to go alone. When she insisted, i said to her in a fit of anger, "By Allah! if you go to your parents' house before i am home from work, you will be to me like my mother." When I left for work she went to her parents' house and she was not home when I returned. At that time, I realized that I had committed a sin and that I must make Kaffarah (expiation) so I decided to feed 60 needy persons. Unfortunately, I had sexual intercourse with my wife before expiating, not knowing that it was not permissible to have sexual relations with her before making Kaffarah. I only knew after it was done. So I made Kaffarh for Zhihar (a man likening his wife to an unmarriageable relative) which was my first sin. Now I want to ask: What should I do to expiate for having sexual intercourse with my wife before expiating for my first sin? Is there a Kaffarah for that and what is it? I hope Your Honor can guide me to what is to be done to help me with this difficult situation.

A: Zhihar is an evil word and a lie. To perform Tawbah (repentance to Allah), you must make Kaffarah and abstain from having any sexual relations with your wife until you make the Kaffarah for Zhihar. Moreover, having sexual intercourse with your wife before making Kaffarah is prohibited and you should perform Tawbah asking Allah's Forgiveness, in addition to making the first Kaffarah.

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Kaffarah for Zhihar is to manumit a believing bondsman before touching your wife, and if this is not possible, you should fast for two successive months before touching her. If you cannot fast, you must feed 60 needy persons, each half a Sa` (1 Sa` = 2.172 kg) of the country's food such as rice, wheat or the like before touching your wife. This amount is approximately equal to one kilo and a half. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17466

Q: once I took an oath saying to my wife in a fit of rage: "You will be unlawful for me like my mother and sister until the time of my traveling." I was going to travel to Saudi Arabia. During this period, I tried to have sex with her but she refused, for I took the mentioned oath. On the same day, she fondled me to satisfy me and I fondled her too until I ejaculated on the back of her thigh on the underwear.

After performing Ghusl (ritual bath following major ritual impurity), I went to a Shaykh and asked him about what happened. He recited to me some verses of Surah Al-Mujadilah from Ayah no. 2 to

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no. 4 and said, "You have to pay a Kaffarah (expiation), which is to free a slave." I said, "I can not." He said, "You have to fast two months." I said, "I can not because I take medication three times a day." He said, "You have to feed sixty needy persons from the average food of your own family." So I fed sixty needy people on the same day and my wife distributed them herself to the needy; each one an Egyptian Pound. When I traveled to Saudi Arabia after six months, I asked some Shaykhs. Some of them said that what I did was right and others advised me to go to the Ifta' House to ask Shaykh `Abdul-`Aziz ibn `Abdullah ibn Baz (May Allah protect him). Was what happened unlawful and what is the ruling on the sexual intercourse? Could you please advise? May Allah reward you with the best!

A: What you have said is considered Zhihar (a man likening his wife to an unmarriageable relative) and you have to offer the Kaffarah. The Kaffarah for Zhihar is freeing a slave, and if you can not afford, you have to fast for two consecutive months and if you can not, you have to feed sixty needy persons; half a Sa` for every needy which equals one and half kilograms from the average of the commonly known food of the country. It is not permissible to pay money instead of food. Allah (Exalted be He) says, ﴾And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allâh is All-Aware of what you do.﴿ ﴾And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskîns (poor).﴿ (Surah Al-Mujadilah).

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Fatwa no. 15873

Q: my son used to give me his salary willingly for several months. One day, I became angry with him and told him, "Your salary shall be unlawful for me like my mother." Please advise me. May Allah protect you!

A: You are required to offer Kaffarah (expiation) for an oath, which is either to feed ten Miskins (needy persons); each Miskin half a Sa` (1 Sa` = 2.172 kg) of food, that is approximately one and half kilograms for each one, or to provide each Miskin with clothing such as a shirt or a garment, or to emancipate a believing slave. If you are unable to afford any of these three options, you must observe Sawm (Fast) for three days. This is because rendering the Halal (lawful) as Haram (prohibited) is like an oath, for Allah (Exalted be He) says: ﴾O Prophet! Why do you forbid (for yourself) that which Allâh has allowed to you﴿ until the following Ayah (Qur'anic verse): ﴾Allâh has already ordained for you (O men) the absolution from your oaths.﴿ The salary

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of your son will not be unlawful for you him, but if you take it, you should offer the Kaffarah as has already been outlined. Moreover, you must make Tawbah (repentance to Allah) because it is not permissible to render the Halal as Haram. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 16400

Q: I am the eldest and poorest among my brothers. My brothers and I have bought a piece of land in Khamis Mashit to build a house on it. Since I cannot afford my share in the building costs, my brothers do not want to give me a share in the house. They have offered me a local house instead owned by my father. my father has got really angry because they are dividing his estate while he is still alive. Being upset of this, I said: This house is unlawful for me as my mother is unlawful for me. Afterwards, my father has agreed to give me the house and I have been forced by my brothers to take it on the pretext that it will be for my children. However, I cannot accept it without knowing the ruling in this regard. Please, advise me!

A: If your father agrees to give you this house and your brothers and sisters - if you have any - who are of legal age agree to this, there is no problem if you take it. You must offer Kaffarah (expiation) for the oath you have taken, and it is feeding ten

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Miskins (needy persons) half a Sa` (1 Sa` = 2.172 kg) of the staple food available in your area. The total weight of Kaffarah is fifteen kilograms of food; each Miskin should take one and half kilograms. Another option is to provide ten Miskins with clothing by giving one garment to each. The third option is to emancipate a believing slave. If you cannot afford any of these options, you must observe Sawm (Fast) for three days. And Allah knows best. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 19314

Q 3: what is the meaning of Zhihar? Is this phrase, "you are prohibited to me like my mother" a type of Zhihar? What is the ruling on Zhihar? What is the ruling on a man who is used to saying this to his wife but does not mean to render his wife prohibited as his mother?

A: First, Zhihar is when a man likens his wife to an unmarriageable relative such as his mother, sister, etc.

Second, this saying, "you are prohibited to me like my mother" is Zhihar unless he meant that she enjoys the same honorable place as his mother. It is better to refrain from using such words and use other words that convey the same meaning but do not have the same effect.

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Fatwa no. 19103

Q: In 02/07/1417 A. H. I pronounced Zhihar (a man likening his wife to an unmarriageable relative) and said to my wife: "From now on, you are unlawful to me like my mother." However, I asked some scholars about it and Shaykh Ahmad Yahya Al-Najmy gave me a Fatwa that I have to observe Sawm (Fast) for two successive months as I am unable to free a salve and I am healthy enough to perform Sawm; being a thirty three year old young man. I met the Shaykh in 14/07/1417 and he advised that I start the Sawm in 15/07/1417 A.H, continue observing Sawm for the month of Sha`ban and Ramadan, break the fast for the day of `Eid-ul-Fitr (the Festival of Breaking the Fast), and then complete the number of days required until the fifteenth of Shawwal while not having any sexual intercourse or relations with my wife.

I thus started observing Sawn since 15/07/1417 until today but I feel that I am unable to control my sexual desire anymore. It may be worth mentioning that I was many times about to indulge in sexual intercourse with my wife while still more than forty five days remain until the two months of Sawm finish.

My question is whether it is permissible for me to change the way of making Kaffarah (expiation) and feed Miskins (needy people) instead of observing Sawm because of the circumstances mentioned above?

A: If the reality is exactly as what you have mentioned and that you fear doing something which is Haram (prohibited, i.e. having sexual intercourse with your wife before doing the Kaffarah), there is no impediment that you change the way of making Kaffarah and feed Miskins. You have to feed sixty Miskins by giving each one of them half a Sa` i.e. one kilo and half of the food of the country before you have sexual intercourse with your wife. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 20086

Q 1: A man was fasting for two successive months as expiation for Zhihar (a man likening his wife to an unmarriageable relative). Afterwards, `Eid-ul-Adha (the Festival of the Sacrifice) and the three days of Tashriq came; should he complete his fast of the Kaffarah or break it during these days?

A: The obligatory break of Sawm (fast) on the day of `Eid (the Festival) and on the three days of Tashriq does not nullify the succession of Kaffarah (expiation) of fasting; because it is obligatory to break his fast on these days. Hence, he must continue his fast for the Kaffarah after these days until he completes sixty days. Finally, all Praise is due to Allah.

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The first question of Fatwa no. 20229

Q 1: What is the ruling on a woman saying to her husband "My son" while joking with him? Is this considered Zhihar (a woman likening her husband to an unmarriageable relative)? If so, what is its Kaffarah (expiation)?

A: It is Makruh (reprehensible) for one of the spouses to liken the other to an unlawful relative to marry, such as a mother, a sister, a father, a brother and so on. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 21094

Q 1: Over the past twenty years, I incorrectly believed that a person observing Sawm (Fast) in Ramadan was only forbidden to ejaculate while having intercourse with his wife during the daytime, but that there was nothing wrong with intercourse itself. Therefore and because of my ignorance of the ruling of Shari`ah (Islamic law), I used to have complete sexual intercourse with my wife,

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but avoided vaginal ejaculation.

Q 2: Eighteen years ago, I had sexual intercourse with her after the Fajr (Dawn) Prayer while I was fasting in Ramadan. I intended to observe Sawm as a Kaffarah (expiation) for that sin, but I had been too busy to do this. What should I do now?

Q 3: two years ago, I declared my wife unlawful for me as my mother, then I had intercourse with her. I intended to feed sixty Miskins (needy persons) at a later time, but I had not fed any one until now. Moreover, two months ago, I did the same thing again, saying, "Her company is unlawful for me," meaning having intercourse with her and fulfilling my duties towards her as a husband. However, I had not meant to stop providing her with the Nafaqah (obligatory financial support) due to her. I had deserted her in bed up to the present day.

Now my wife is filled with regret and asks me to return to her. She is offering to pay the Kaffarah required by feeding sixty Miskins. She sees that Sawm will keep her from me for a long time, while she is impatient. Is it permissible for her to offer the Kaffarah on my behalf for the first and second times I declared her as unlawful for me or should I offer the Kaffarah myself?

Please answer my questions. May Allah guide you! Please bear the following in mind: 1. I am married to three wives and support thirty-five dependents. Observing Sawm is very hard, and I prefer to feed the Miskins, if permissible.

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2. My wife finds it difficult to wait for me if I should observe Sawm.

May Allah guide you!

A: Having considered your three questions, it is clear that you have to offer three Kaffarahs. The first Kaffarah is for having vaginal intercourse without ejaculation in Ramadan. You must offer Kaffarah for every day on which you had sexual intercourse. Another Kaffarah is due for having intercourse along with ejaculation in Ramadan. A third Kaffarah is due for Zhihar (a man likening his wife to an unmarriageable relative). The Kaffarah of Zhihar is to emancipate a believing slave. If you cannot find any, you are required to observe Sawm for two consecutive months. In case you are unable to do so, you should feed sixty Miskins; each should be given 1.5 kg of food. You must not approach your wife until you offer the Kaffarah for Zhihar. In addition to offering Kaffarah, you have to make up for the days on which you had sexual intercourse and feed a Miskin for each day as a Kaffarah for being

delayed in offering it. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20889

Q: my wife and I disagreed a long time ago, and I said to her, "Now you are like a sister to me." I had no idea about the gravity of such words; I only intended to threaten her so that she does not disobey me again or abuse my family. She went to her sister, who is my maternal uncle's wife. When they knew the problem, they interfered to solve it. We reconciled; she returned home and we had intercourse normally.

However, when I asked a Muslim brother, he told me this is considered Zhihar (a man likening his wife to an unmarriageable relative), and that I had better ask a scholar about it. I was not convinced by this, as I was ignorant of such matters. One day, I went to the Masjid (mosque) to offer the `Isha' (Night) Prayer. The Imam (leader of congregational Prayer) read Surah Al-Mujadalah, and he interpreted it to us. Please advise, may Allah reward you. I started to observe Sawm (fasting) on 1/3/1420 A.H. Is my Sawm valid? What about the intercourse we have been having all this time? What should I do? May Allah reward you.

A: What you did is considered Zhihar, and you must make a Kaffarah (expiation) for it, which is emancipating a believing slave. If you cannot do that, you must observe Sawm for two consecutive months. If you cannot do that, you must feed sixty needy people,

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a kilogram and a half of food for each. This sequence must be followed. As you cannot emancipate a slave, and you have already started Sawm, you have to go on observing Sawm consecutively for two months. You are excused for the intercourse you had before the Kaffarah out of ignorance. However, you should avoid having intercourse until you complete the Sawm. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 8783

Q: I am a Muslim young man, Alhamdu lillah [All praise is due to Allah]. I am married and have five children. My wife is the reason behind our problem and I was unaware of the Islamic ruling. i said to my wife, "you are unlawful to me like my mother". A year later, I said this to her for the second time. I repeated it for the third time another year later. Please advise, did she become unlawful to me or not? Is there a Kaffarah (expiation) for this saying?

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A: Your saying to your wife, "you are unlawful to me as my mother" is explicit Zhihar (a man likening his wife to an unmarriageable relative). You have to offer Kaffarah for Zhihar. This expiation is to: set free a believing bondsman, and if you cannot, then you must fast two successive months. If you are unable to fast, you have to feed sixty needy persons. You must not approach your wife before making the Kaffarah as you have pronounced Zhihar three times. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 21307

Q: after a dispute with my wife, I took an oath that she was unlawful to me. I found out from a Fatwa that what I did was Zhihar (a man likening his wife to an unmarriageable relative). I offered Sawm (fast) for two successive months but it happened that I made love to my wife without penetration. This happened more than fifteen years ago. Afterwards, I had children from her. She lives with me in my home. What should I do?

A: What you did interrupted the succession of the fasting for expiation of Zhihar because of the generality of the Saying of Allah (Exalted be He): ﴿must fast two successive months before they both touch each other.﴾

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What you did is a forbidden kind of touching. So you have to repent to Allah and fast two successive months i.e. sixty days. Do not repeat what you did with your wife before you complete fasting two months. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Li`an

Fatwa no. 8947

Q: If a husband accuses his wife of Zina (premarital sexual intercourse and/or adultery), he may pronounce li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying) against her as enjoined by Allah in Surah Al-Noor (6-9). The husband, in his wife's presence, swears four times by Allah that he is telling the truth i.e., about what he is accusing her of, namely Zina. And the fifth time he invokes the curse of Allah upon himself if he is lying. If she also pronounces li`an and swears by Allah four times that he is lying, i.e., with regard to what he has accused her of; and the fifth time she invokes the wrath of Allah upon herself if he is telling the truth, in this case the penalty for committing adultery is not established on the wife and the couple becomes irrevocably separated by virtue of this li`an and not by divorce.

This is as reported in the story of Hilal ibn Umayyah (may Allah be pleased with him) who accused his wife of Zina before the revelation of this Ayah. The Prophet (peace be upon him) after the revelation of this Ayah said to him: (O Hilal! Receive glade tidings. Allah has provided you with a relief and a way out of the distress.) **The Messenger of Allah (peace be upon him) ordered the husband to be separated from his wife. He further ordered that the son shall not be attributed to any father and the Had (prescribed penalty) will be established to anyone who slanders the son. The wife shall not have a right to dwell in the marital home and shall not have an alimony as the separation is not made by means of divorce.**

My question is: is it permissible for a woman who separates from her husband by means of Li`an to remarry? Please provide a simple and clear answer

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along with evidences from the Qur'an and the Sunnah.

A: When Li`an has taken place between a husband and wife, the wife is separated from the husband forever and becomes permanently forbidden to him. However, she is allowed to remarry another man after her `Iddah (woman's prescribed waiting period after divorce or widowhood) has expired, if there are no impediments that hinder this and the conditions are met. This is based on the general meaning of the proofs from the Qur'an and Sunnah. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 9427

Q: i work in Saudi Arabia. During my vacation I went home in Rajab 25th, 1404 A.H. and I returned to work after four months. In Rajab 25th, 1405 A.H., my wife gave birth to a child. I doubt the legitimacy of this child. Please advise.

A: The period of pregnancy in your question is nine months minus five days, and the minimum term of pregnancy after which a woman gives birth and the baby can survive is six months. The newborn is therefore your legitimate child, and you should overlook such doubts that Satan casts on you. May Allah protect us from Satan!

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May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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The first question of Fatwa no. 18605

Q 1: I have been working in the Kingdom of Saudi Arabia for a long time now. I never stay away from family for more than six months. I have a 9 year old girl, and a 5 year old boy, Al-Hamdullilah (Praise be to Allah). Last year, I traveled to them on 23/8/1994 A.D., and I stayed with my wife. We spent two months together, and she became pregnant. On 24/6/1995 A.D, she gave birth to a baby girl, i.e. she delivered her baby after eight months of pregnancy. This has caused me to doubt this pregnancy, since it did not reach 9 months. As a result of this, I have stopped traveling to them, or even corresponding with them until I refer to the people of knowledge in this regard, and before rushing to take any decision that may oppress anyone.

I would like to ask Your Honor, could this pregnancy be valid or not? If there is any doubt about this, how can I make sure of it? How should I act? Answer me, may Allah reward you!

A: Do not have any doubt about the mentioned pregnancy, for the least duration of pregnancy after which a baby may live is six months, and the most frequent

is nine months. Allah (Exalted be He) states: (and the bearing of him, and the weaning of him is thirty months) He (Exalted be He) states: (The mothers shall give suck to their children for two whole years) Thus, if you subtract two years, which are twenty four months, from thirty months, six months will be left, and this is the least duration of pregnancy, and this is what the scholars have inferred from the two noble Ayahs, Al-Hamdullilah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 15031

Q 2: a man died a month ago, after having been married for ten years. Immediately following his wife's delivery of a child he divorced her and disowned the child insisting that it was not his. Whenever we talked with him about this matter during his lifetime,

he would refuse to attribute an illegitimate son to himself.

He did not give the child his name. The brother of the deceased calculated the estate and did not include the child among the legal heirs. The deceased did not make Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying) during his lifetime, nor did he file the case to the legal judiciary system. The child lives now with his maternal grandfather. What are the necessary steps that the Shari`ah demands to be taken regarding the child? We ask Allah to preserve you, bless you and keep you under His Care and Success. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: The child in question should be attributed to the deceased father, because the father did not make Li`an during his life. The Prophet, (may peace be upon him) stated, (The boy is for the bed (i.e. for the owner of the bed where he was born), and stone is for the adulterer.) The story of `Abd ibn Zam`ah and the claim of Sa`d ibn Abu Waqqas, both constitute clear evidence on this issue.

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Fatwa no. 15183

Q: I got married in the year 1395 A.H. and it is Allah's will that my chances of having children are quite slim as I have been told

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by specialists. I have taken all the medications that they prescribed for my case, but to no avail. Eventually, I entrusted my affair to Allah (Glorified and Exalted be He) and believed in His will and decree, and stopped the medications.

Later, and in the year 1409 A.H, my wife informed me that she was pregnant, and you cannot imagine Your Honor how happy and pleased I was with such grace which Allah bestowed upon me. The period of pregnancy ended peacefully and my wife gave birth to a male child. Then came the big shock, as the newborn baby has no resemblance to me in terms of his facial features, and even his skin color is different. I have a white complexion and my wife is slightly darker, whereas the baby is totally dark. As a result, I began to have suspicions and evil thoughts invade my mind.

I could no longer endure the situation I was in, and I talked with relatives about my suspicions. At first they tried to ward off such malicious thoughts claiming that it is not necessary for a newborn to resemble his father, and that the thoughts I have are nothing but incitements of Satan. However, I am not convinced of what they are telling me, and after a period of suffering and my firm refusal of their opinions, they advised that the three of us undergo a blood analysis and genetic tests in order to put an end to all such suspicions.

I did these analyses after so many disputes between my family and my

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wife's, and eventually they agreed reluctantly to take the tests. Your Honor should know how advanced science is in this area, by Allah's favor. Two weeks after taking the samples, the doctors concluded that this baby could not by any means be mine. There is not a single genetic quality shared between me and him at all, rather they found other genetic characteristics, not mine. They even stated in this report that there is no way that a baby could not have even a single genetic characteristic from his father. Regardless of the outer resemblance, the newborn should bear some common features of his parents.

Following this analysis, my wife went to her family waiting to be divorced, and I told them that the child will not be attributed to me and will not bear my name. Her family insisted on making Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying), and after many disputes and the involvement of some benevolent people, they proposed that she should swear by Allah in front of her father and me that this child is mine, which she actually did and returned home with me. To this very moment as I write this letter, I feel no peace of mind, rather I remain bewildered and suspicious.

Is what I did pleasing to Allah, while I know and am convinced according to the blood tests that this baby is not my own? Am I considered as dayooth (one who does not protect his womenfolk), bearing in mind that we live together like strangers, and I always think of her infidelity in addition to not

having any paternal feelings for this child.

My question is: Is her remaining as my wife Haram (prohibited), as I am sure that she committed Zina (premarital sexual intercourse and/or adultery) based on the blood test? Bearing in mind that the child bears my name.

A: The child is yours, and what you did was wrong. You should not believe whomever convinced you otherwise and ward off any suspicions you might have, because of what was reported by Abu Hurayrah ﴾that a Bedouin came to Allah's Messenger (peace be upon him) and said, "My wife has delivered a black child." The Prophet (peace be upon him) said to him, "Do you have camels?" He replied, "Yes." The Prophet (peace be upon him) said, "What color are they?" He replied, "They are red." The Prophet (peace be upon him) further asked, "Are any of them gray in color?" He replied, "Yes." The Prophet (peace be upon him) asked him, "From where did that grayness come?" He said, "I think it descended from the camel's ancestors." Then the Prophet (peace be upon him) said (to him), "Therefore, this child of yours has most probably inherited the color from his ancestors."﴿ and

he did not permit him to deny the child. (Agreed upon by Al-Bukhari and Muslim), and the wording is that of Al-Bukhari. It is also reported on the authority of `Aishah (may Allah be pleased with her) that the Messenger of Allah (peace be upon him) stated: ﴾The boy is for the bed (i.e. for the owner of the bed where he was born), and stone is for the adulterer.﴿ (Agreed upon by Al-Bukhari and Muslim). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 13666

Q: Please advise concerning what should be done in the following case. Two Muslim men, to whom I will refer as "M" and "A," slept next to each other. "M" accused "A" that he took his hand and put it on his penis. They fought together, and one of their relatives interfered. He is the only one that was there at that moment, and he is the only one who knew what happened. He came to me to settle this dispute between them, as he believed that they would fight again, disgrace themselves and aggravate the problem.

I brought the two men after

the `Isha' (Night) Prayer, and I sat in front of them with their relative who told me about the incident. I made "M" make four oaths that he is truthful in his accusation of "A". Before the fifth oath, I warned him and reminded him that Allah's curse would fall upon him if he was a liar, so he made the oaths. "A" also took four oaths that "M" was a liar, and he provoked Allah's anger upon himself if "M" was truthful. I asked them not to sleep next to each other again anywhere, even if they would have to; to forget what happened; to conceal this from the people so that problems do not arise; and to perform Tawbah (repentance to Allah) and seek His forgiveness, may He accept their Tawbah.

I did this by analogy with Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying) as mentioned in the Qur'an. Was I right in what I did?

A: You were wrong in the idea of Li`an between the two mentioned people. However, you were right in asking them to perform Tawbah, seek Allah's forgiveness and conceal the matter. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Ascription of lineage

The third question of Fatwa no. 8576

Q 3: What is the ruling on a baby who is born only six months after the consummation of marriage; is such a baby to be ascribed to his mother's husband? It may be worth mentioning that the mother of the concerned child is one of the most truthful people.

A: If a wife gives birth to her baby six months or more after the consummation of her marriage, the baby will be ascribed to the wife's husband as the least period of pregnancy is six months. Proof for this is that Allah (Exalted be He) says, ﴾and the bearing of him, and the weaning of him is thirty months﴿ and ﴾and his weaning is in two years﴿ So if weaning is for twenty four months, only six months will remain for the bearing of the baby.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!Permanent Committee for Scholarly Research and Ifta'

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Fatwa no. 14348

Q: A person requests a Fatwa for the following question: i concluded marriage with my wife in 22/3/1411 A.H. then i had sexual intercourse with her. Afterwards she became pregnant and gave birth to a male baby in good health in 23/9/1411 A.H. People raised doubts because of the short period of pregnancy. I would like to receive your Fatwa with regard to the relation of this baby to me. I do not doubt my wife. She was married to another man before me and she was divorced from her ex-husband without having children. She stayed at her father's house for three years until I proposed to her, concluded marriage, and had sexual intercourse with her. I appreciate your advice. May Allah grant you success!

A: If the reality is as you have mentioned, the boy is your son because it came after the least period of pregnancy between consummation and delivery. Allah (Exalted be He) says, ﴿and the bearing of him, and the weaning of him is thirty months﴾ and: ﴿The mothers shall give suck to their children for two whole years﴾ The period of suckling is two years i.e. 24 months out of 30 months and the remaining 6 months is the least period of pregnancy. Subsequently, the woman's pregnancy is legal and the boy is legally ascribed to you.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 8331

Q: I live in the city of Al-Rayn, of the tribe of Qahtan. I have a large family consisting of children and women. One of my daughters gave birth to a black baby girl, whose skin color is completely different from our family's. Some of my relatives are harshly critical and urge me to deny my paternity of this baby girl, but her mother refuses. I am doubtful about the lineage of this girl. Am I to blame, before Allah, if I remain silent? Guide me, may Allah reward you!

A: the child's dark complexion does not indicate that she does not belong to your family, for the strain to which the child has reverted may have come from your grandfathers and grandmothers. Any of her ancestors may have been black, so the child resembles them. Get rid of

doubts about her lineage. Those who blame you and urge you to disown or harm her on account of color are wrongful. It was authentically narrated on the authority of Abu Hurayrah (may Allah be pleased with him) that (There came a man to the Prophet (peace he upon him) from Banu Fazarah and said, "My wife has given birth to a child who is black." By so saying he meant he wanted to deny paternity of such child. Whereupon Allah's Messenger (peace be upon him) said, "Do you have any camels?" He said, "Yes." He again said, "What is their color? He said, "They are red." He said, "Is there a dusky one among them?" He said, "Yes, there are dusky ones among them." He said, "How has it come about?" He said, "It is perhaps the strain to which it has reverted." Whereupon he (the Prophet) said, "It is perhaps the strain to which he (the child) has reverted." The Prophet (peace be upon him) did not allow him to deny his paternity of the child.) Reported by Ahmad, Al-Bukhari, Muslim and Ahl-ul-Sunan (authors of Hadith compilations classified by jurisprudential themes). May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The seventh question of Fatwa no. 4225

Q 7: if a married woman commits Zina (adultery) then becomes pregnant and gives birth to a child, who is that child's father? Is it her husband's according to the Hadith that states, (The child is to be attributed to one on whose bed he is born, and the adulterer should be stoned to death.)

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or not? If that child remains with their stepfather, can he adopt him and count him among his children, or consider him a slave? If that child is attributed to his mother's family, can he consider him among his children or just let him stay while being treated as an illegitimate child?

A: If a married woman commits Zina and becomes pregnant, the child is attributed to her husband, according to the Sahih (authentic) Hadith. If the husband wants to disown that child by Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying), he can refer to the court. That child does not become anyone's slave. As for adoption, it is impermissible, and it does not render the adopted child a real child for the person who adopts him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

The seventh question of Fatwa no. 7518

Q 7: someone traveled for a long time and his wife gave birth to a baby during his absence? Is it permissible for such a husband to deny his fatherhood of the concerned baby, to divorce his wife because of this, or what should he do?

A: It is not permissible for the husband in question to deny such a baby unless he does so through Li`an (allegation of adultery against a wife, accompanied by mutual invoking of Allah's Curse/Wrath if lying). It is worthy mentioning that Li`an is to be done in the court. However, if Li`an takes place,

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separation between the two sides will happen and such a wife will never be lawful in marriage to the same husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The seventh question of Fatwa no. 4091

Q 17: what is the ruling on a son whose parents exchanged "Li`an" (oath of condemning a spouse of adultery)? Is this son a legitimate or an illegitimate child?

A: If the legal Li`an is made, the baby is related to his mother, not the person who made the Li`an against her. The son does not inherit this man as is authentically reported from the Prophet (peace be upon him). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 12406

Q: I heard in the Voice of Islam radio in Makkah that the children of a woman who does not offer Salah (Prayer) are considered illegitimate children. What shall I do to my children who were born before my wife started to offer Salah? Are they considered illegitimate children?

A: Your children from your wife before she performed Tawbah (repentance to Allah) of abandoning Salah are considered

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your children, as you thought your marriage was valid. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The ninth question of Fatwa no. 2387

Q 9: It is said that a newborn baby belongs to his father in terms of lineage, and to his mother in terms of slavery and freedom. In the book entitled `Idat Al-bahith fi Ahkam Al-Tawaroth by Shaykh 'Abdul-'Aziz ibn Naser Al-Rashid, I read that the son inherits the religion and Wala' (manumitter's right of inheritance from their freed bondsman) of the better parent. This is shown, according to my understanding, by the case where the child who dies before attaining the age of discretion belongs to his father if the latter is Muslim. The funeral prayer is performed on the dead boy even if his mother is not Muslim. He belongs to his mother if she is Muslim, and the funeral prayer is performed on the dead boy even if his father is not Muslim. If so, what are the proofs from the Qur'an and Sunnah that support these three aspects?

A: The said aspects of a child's belonging to the parents are applicable to the worldly rulings including inheritance, funeral prayer rights of a Muslim child who dies before attaining the age of discretion, and washing and burying the deceased in a Muslim graveyard. The first part of the question does not contradict with the statement of Shaykh 'Abdul-'Aziz

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ibn Naser Al-Rashid in his book `Idat Al-bahith fi Ahkam Al-Tawaroth, which reads: "the son belongs to his mother in terms of slavery and freedom, and inherits the religion of the better parent. He also inherits the lineage and Wala' of his father." You are correct regarding the son belonging to the Muslim parent, even if the other parent is non-Muslim. Islam takes precedence over anything else. The son is treated as a Muslim, and consequently washed, given funeral prayer rights, and buried in a Muslim graveyard. This is based on the principle that the child is born in a state of Islamic Fitrah (natural disposition). Allah (Glorified be He) states: ﴾So set you (O Muhammad صلى الله عليه وسلم) your face towards the religion (of pure Islâmic Monotheism) Hanîf (worship none but Allâh Alone). Allâh's Fitrah (i.e. Allâh's Islâmic Monotheism) with which He has created mankind.﴿ The Messenger of Allah (peace be upon him) also stated: ﴾Every new-born child is born in a state of fitrah...﴿ The proof supporting that the son inherits the lineage of his father and belongs to his mother in terms of slavery and freedom

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is deducted from the general application of this throughout the generations, and the comprehensive meaning of Allah's statement: ﴾Call them (adopted sons) by (the names of) their fathers﴿ May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman

`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 6499

Q 1: What is the ruling on illegitimate children in our time?

A: According to the preponderant opinion of scholars, an illegitimate child follows the religion of his mother. If his mother is Muslim, he will be a Muslim. If she is Kafir (disbeliever), he will be a Kafir as well. He should be attributed to his mother not to the adulterer, and incurs no blame regarding the sin of his mother and the man who committed adultery with her. Allah (Glorified be He) said, ﴿and no bearer of burdens shall bear the burden of another.﴾ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 53

Praise be to Allah and peace and blessings be upon His Messenger, his family, and his Companions. The Permanent Committee for Scholarly Research and Ifta' reviewed the question submitted to His Excellency the Chairman of the Departments of Scholarly Research, Ifta', Da`wah and Guidance by the Executive Secretary of Punjab Child Welfare council, which was referred to the Committee from the General Secretariat of the Council of Senior Scholars with the No. 2/86, in 15/1/1392 /A.H. in his question, the Executive Secretary of Punjab Child Welfare Council was inquiring about the rulings regarding the rights of inheritance of an adopted child.

A: The Committee replied: 1- Adoption was known during Jahiliyyah (pre-Islamic time of ignorance) before the message of our Prophet (peace be upon him). The adopted children used to be attributed to their adoptive fathers, have the right to inherit from them, and be in Khulwah (being alone with a member of the opposite sex) with their adoptive mother and adoptive sisters as they were unlawful for them to marry. To sum up, an adopted child used to have the same rights of a biological son. The Prophet (peace be upon him) adopted Zayd ibn Harithah ibn Sharahil Al-Kalby before the revelation and he was called Zayd ibn Muhammad. Adoption remained in effect until the third or the fifth year of Hijrah. **2-** Afterwards, Allah ordered that adopted children be attributed to their biological fathers.

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If the names of their biological fathers are not known, they are fellow Muslim brothers and are the freed bondsman of the adoptive person. Allah has forbidden that the adopter naturally attributes the child to himself; moreover, He prohibited that a child be attributed to other than his biological father except if it occurred accidentally. Allah has indicated that this ruling is fair as it entails speaking the truth, protecting the lineage and honor, and preserving the inheritance rights of the true heirs. Allah states: ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿ The Prophet (peace be upon him) stated: ﴾"Whoever knowingly claims to belong to anyone other than his father, he will be denied Paradise"﴿ Related by Ahmad, Al-Bukhari, Muslim, Abu Dawud, and Ibn Majah. He (peace be upon him) also said: ﴾Whoever claims to be the son of anyone other than his father, or the slave of anyone other than his master, on him will be the curse of Allah continually until the Day of Resurrection.﴿ Related by Abu Dawud.

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3- By prohibiting adoption, the rulings of the Jahiliyyah regarding this matter, and which continued throughout the early Islamic era were put to an end. First, neither the adopter nor the adoptee has the right to inherit from the other and each has to do good to the other during his lifetime and after his death. The adopter may bequeath to the adoptee no more than one third of his estate. The Shari`ah (Islamic law) has indicated the rulings of inheritance and pointed out the rightful heirs in detail and neither an adopter nor the adoptee are among them. Allah has stated the rights of inheritance in general and acts of righteousness and kindness in His statement: ﴿And blood relations among each other have closer personal ties in the Decree of Allâh (regarding inheritance) than (the brotherhood of) the believers and the Muhâjirûn (emigrants from Makkah), except that you do kindness to those brothers (when the Prophet صلى الله عليه وسلم joined them in brotherhood ties).﴾ Second, Allah has permitted an adoptive father to marry the wife of his adoptee after the latter divorces his wife as this was forbidden during the Jahiliyyah. Allah ordered His Messenger (peace be upon him) to do so, so that it would be a strong and powerful solution to demolish the customs of

Jahiliyyah. Allah (Exalted be He) states: ﴿So when Zaid had accomplished his desire from her (i.e. divorced her), We gave her to you in marriage, so that (in future) there may be no difficulty to the believers in respect of (the marriage of) the wives of their adopted sons when the latter have no desire to keep them (i.e. they have divorced them). And Allâh's Command must be fulfilled.﴾ Thus, Allah ordered the Prophet (peace be upon him) to marry Zaynab Bint Jahsh after her husband Zayd ibn Harithah divorced her. **4-** It becomes clear from what has been previously mentioned that eliminating adoption does not mean banning sublime human emotions and Islamic rights such as brotherhood, love, maintaining the ties of kinship, kind treatment and all other principles that have to do with noble characteristics and inspiration to do good. First, a person may say to someone who is younger than him "O my son" as a way of showing kindness to him and expressing care and compassion, so that he may feel comfortable with him, listen to his advice or get him to do something for him. A person may also say to someone who is older than him, "O my father" by way of honoring him and softening his heart towards him so that he may receive kind treatment and sincere advice from him, and he may get his support and help. Thus, good manners will prevail in society and the ties between people will be strengthened, and all people will feel a sense of sincere brotherhood in humanity and faith. Islam encourages us to cooperate in righteousness and piety,

and it exhorts all people to love one another and treat one another kindly. Allah (Exalted be He) states: ﴿Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴾ The Prophet (peace be upon him) stated: ﴿The similitude of believers in regard to mutual love, affection, and empathy is that of one body; when any limb of it aches, the whole body aches because of fever and sleeplessness.﴾ Related by Ahmad, and Muslim. He also stated: ﴿A believer to another believer is like a wall of bricks supporting each other.﴾ Related by Al-Bukhari, Muslim, Al-Tirmidhy, and Al-Nasa'i. This includes caring for orphans, the needy, those who are unable to earn a living and those whose fathers are not known, by looking after them, bringing them up and taking care of them, so that there will be no one in society who suffers or is neglected. This will help the Ummah (Community) to avoid the bad consequences of children being brought up in a very bad way, who may rebel against society because they feel they have been harshly treated or ignored by society. Muslim governments should set up homes for the unemployed, orphans, foundlings and those who have no one to provide for them, and those who come under the same rulings as them. If the Bayt-ul-Mal (Muslim treasury) does not have sufficient funds to care for their needs, they must seek help from those members of the Ummah who are well off. The Prophet

(peace be upon him) stated: ("Any believer who leaves behind wealth, it is to be inherited by his kin if he has kin, and whoever leaves behind a debt or dependents, let them come to me for I will take care of them.")

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Related by Al-Bukhari. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 6006

Q: one of my relatives has asked me to attribute him to my father who died a long time ago (may Allah be merciful with him and with all the Muslims). Please advise me concerning the Shar`y (Islamically lawful) ruling on this and whether my father will incur any sin if I do as my relative asks for. Will my relative and I incur any sins?

A: Adoption was prevalent in the times of Jahiliyyah (pre-Islamic time of ignorance). The Prophet (peace be upon him) adopted Zayd ibn Harithah before the revelation of Islam; he even used to be known as Zayd ibn Muhammad, not Zayd ibn Harithah. It was common for any person to be attributed to other than their father, but Islam has prohibited this. It has become obligatory for a person to be attributed to their father; not to the person who adopt them. It has become prohibited to attribute anyone to other than their father. The Prophet (peace be upon him) has cursed

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a person who attributes themselves to other than their father, and threatened them that they will be deprived of Jannah (Paradise). Allah (Exalted be He) says: ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend.﴿ The Prophet (peace be upon him) said: ﴾"If anyone claims to be the son of a person other than his father or attributes himself to other than his own master, he will be cursed by Allah until the Day of Resurrection."﴿ (Related by Abu Dawud in his Sunan (Hadith compilations classified by jurisprudential themes)) The Prophet (peace be upon him) also said: ﴾"Whoever claims to be the son of a person other than his father while knowing that it is not their father will be deprived of Jannah."﴿ (Related by Imam Ahmad in his Musnad (Hadith compilation), Al-Bukhari, and Muslim) Thus, it becomes clear to the questioner that if he attributes a person to his father although he is not his son, to fulfill that person's desire, he will be a partner in this grave sin. They will both be cursed by Allah (Exalted be He) and deprived of Jannah, because they have helped one another in committing evil. As for the deceased to whom a son is falsely attributed after his death, there is no blame on him and he does not incur any sin due to their cooperation in evil, as

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he had done nothing. Allah (Exalted be He) says: ﴾Every person is a pledge for that which he has earned.﴿ He also says: ﴾He gets reward for that (good) which he has earned, and he is punished for that (evil) which he has earned.﴿ He (Exalted be He) says: ﴾and no bearer of burdens shall bear the burden of another.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 3000

Q: Because of his sterility, a man adopted a child, brought him up, and registered him in his family record. Moreover, he issued him the required legal and official document, which gave him a share of his inheritance. Is it permissible for him to adopt this child and register him under his name in order not to expose the truth, which may affect the boy's psychology or drive him insane if he knows that he is not a legal child of that man? Could you kindly advise? May Allah reward you! Is it permissible to adopt him officially? What is the ruling if we take him off the family record; is it permissible to give him a share of the inheritance?

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A: Adoption of the child you mentioned and registering him in the official documents of your family record in order for him to inherit you is a plain error. It is also a type of violating the limits set by Allah and cheating the officials by giving them false information. Adoption is not permissible in Islam because of the saying of Allah (Exalted be He), ﴿Allâh has not made for any man two hearts inside his body. Neither has He made your wives whom you declare to be like your mothers' backs, your real mothers. [az-Zihâr is the saying of a husband to his wife, "You are to me like the back of my mother" i.e. You are unlawful for me to approach], nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴾ ﴿Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves).﴾ Giving false information is not permissible as it is fabrication and mere lies. All these are prohibited matters as substantiated by numerous proofs mentioned in their positions. What you have done does not make him your real son and does not give him the right to inherit from you. You have to repent to Allah and correct the official documents, may Allah forgive you your sins and ours too! May Allah reward you for bringing up this child and supporting him financially! If you assign him something in a form of bequest from a third of your wealth, it will be good and

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if you give him a gift, it will be better if he is in need, to complete and perfect your benevolence to him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

Member	Member	Deputy Chairman	Chairman
\`Abdullah ibn Qa\`ud	**\`Abdullah ibn Ghudayyan**	**\`Abdul-Razzaq \`Afify**	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 3149

All Praise is due to Allah Alone. May peace and blessings be upon the Last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has read the request for a Fatwa submitted to his Eminence the Chairman from the Assistant Chief of Passport Department in Riyadh, referred under no. 1616/1d in 21/6/1400 A.H. It reads:

Kindly find the enclosed documents related to the case of the child Shama whose father (...), a Pakistani, submitted a request for a Fatwa in which he mentioned that after he had this child, he gave her to his wife's uncle (...), who is also a Pakistani. The latter in turn included the child in his wife's passport in the Pakistani embassy in Jeddah and took two statements from them confirming their approval. It is clear that the child was born in the Kingdom of Saudi Arabia in 14/11/1399 A.H. and that her real father and the adoptive father

both live in Saudi Arabia regularly.

Therefore, we refer all the papers to you to examine them from the legal viewpoint and give us your Fatwa accordingly.

The Committee replied as following: it is not permissible for anyone to give his children away to others and relate them to other people. Also, it is not permissible for anyone to adopt a child that he did not give birth to according to religious texts and the consensus of religious scholars. When asked about this before, the Committee replied in Fatwa no. (53) in 21/3/1392 A.H. which reads as follows: **1.** Adoption was common in the Pre-Islamic period before the Message of Prophet Muhammad (peace be upon him). The adopted child would be related to his adopted father, inherit him, and sit in private with his adopted mother and sisters. It was unlawful for an adopted father to marry the wife of his adopted child. Generally, an adopted child was treated as a biological son in all matters. The Prophet (peace be upon him) adopted Zayd ibn Harithah ibn Sharahil Al-Kalby before the Prophet's Mission. Zayd was then called Zayd ibn Muhammad. So adoption was practiced since the Pre-Islamic period until 3 or 5 A.H.

Then, Allah ordered the believers to relate the adopted children to their biological fathers if they know them. If they do not know their fathers, they have to regard them as Muslim brothers or freedmen allies. Allah (Exalted be He) explains that this is the most just judgment because it maintains honesty in the use of words, protects lineage, saves honor and gives financial rights to those who deserve them. Allah (Exalted be He) says, ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿ Allah's

Messenger (peace be upon him) said, ﴾Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Paradise will be forbidden for him.﴿ Related by Ahmad, Al-Bukhari, Muslim, Abu Dawud, and Ibn Majah. Allah's Messenger (peace be upon him) also said, ﴾May Allah's curse be upon whoever claims to be the son of a person other than his father or a slave of anyone other than his master.﴿

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Related by Abu Dawud. **3.** By the prohibition of adoption, Allah (Glorified be He) eliminates all the false rulings practiced during the Pre-Islamic period and extending until the beginning of the Islamic period. (a) Allah prohibits inheritance between the adopted child and the adoptive father. He makes it permissible for them to treat each other in kindness and to bequeath to each other up to a third of one's legacy. The Islamic Shari`ah also explains in details the rulings of inheritance and the rightful recipients of inheritance excluding the adopted child and the adoptive parent. Allah (Exalted be He) mentions inheritance and kind treatment in general by saying, ﴾And blood relations among each other have closer personal ties in the Decree of Allâh (regarding inheritance) than (the brotherhood of) the believers and the Muhâjirûn (emigrants from Makkah), except that you do kindness to those brothers (when the Prophet صلى الله عليه وسلم joined them in brotherhood ties).﴿ (b) Allah makes it lawful for the adopted child to marry the spouse of his adoptive parent after they get divorced, something which was unlawful in the Pre-Islamic period. This ruling was first applied on Allah's Messenger (may peace be upon him). This makes it clear that marriage between the adopted children and their adoptive parents is lawful and eliminates

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the Pre-Islamic habit of prohibiting it; Allah (Exalted be He) says, ﴾So when Zaid had accomplished his desire from her (i.e. divorced her), We gave her to you in marriage, so that (in future) there may be no difficulty to the believers in respect of (the marriage of) the wives of their adopted sons when the latter have no desire to keep them (i.e. they have divorced them). And Allâh's Command must be fulfilled.﴿ The Prophet (peace be upon him) married Zaynab Bint Jahsh after an order from Allah for him to marry her after her husband Zayd ibn Harithah divorced her. **4.** It is then evident that the prohibition of adoption in Islam is not to eliminate philanthropy or Islamic rights of fraternity, mutual affection, intimacy, strong relationships and doing good to others. a. It is permissible for a person to address a young man as, "son" as a way of showing him informality and kindness, so the latter may accept advice from him or fulfill his needs. Likewise, it is permissible for a younger person to address an old person as "father" as a way of showing him respect and kindness so that he may be kind to him, advise, and support him. This makes respect become mutual in society and ties among individuals become stronger. It will also make all people enjoy genuine feelings of fraternity in humanity and in religion.

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(b) The Islamic Shari`ah encourages Muslims to cooperate in righteousness, piety, and enjoins all people to have mutual affection and be philanthropic. Allah (Exalted be He) says, ﴾Help you one another in Al-Birr and At-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression.﴿ and the Prophet (peace be upon him) says, ﴾The similitude of believers in regard to mutual love, affection, and fellow-feeling is that of one body; Member the whole body aches, because of fever and sleeplessness.﴿ Related by Ahmad and Muslim. He (peace be upon him) also said, ﴾A believer to another believer is like a wall of bricks supporting each other.﴿ Related by Al-

Bukhari, Muslim, Al-Tirmidhy, and Al-Nasa'y. **This also applies to:** Taking care of orphans, needy people, those who are unable to support themselves financially and those with unknown parents by supporting, bringing them up, and treating them kindly lest the Muslim society should include a category of miserable and neglected people and suffer due to their lack of care and support, as they may turn rebellious because of their society's cruelty and neglect of them. Therefore, it is the duty of Islamic governments to provide shelter for old aged people, orphans, foundlings, those with no one to support and the likes. If money in Bayt-ul-Mal (Muslim treasury) fail to afford this, governments may seek financial support from wealthy Muslims. Allah's Messenger (peace be upon him) said, (If a true believer dies and leaves behind some property, it will be for his inheritors (from the father's side), and if he leaves behind some debt to be paid or needy offspring, then they should come to me as I am the guardian of the deceased.)

Related by Al-Bukhari. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 8592

Q 2: i have undertaken the responsibility of taking a male child from an orphanage to raise him. Before doing so, the orphanage, which is a governmental one, has asked me to give the child my family name without attributing him to myself. I have agreed to do so without giving him my name or the name of my wife. Am I mistaken?

A: You have done well by taking the child to bring him up, but it is impermissible for you to give him your surname. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 10632

Q 1: I am a twenty one year old girl. I was born during the war, that is to say in the sixties. I lost my parents in this war just as many children did. They gathered us one day and took us to an orphanage in Amman, where I lived there for at least a month. Afterwards, a Jordanian family adopted me because the husband and his wife did not have children, and I lived with them as their daughter. They never made me feel that I was in need for anything; moreover, they raised me in guidance, Al-Hamdullilah Rabb -il-`Alamin (Praise be to Allah, the Lord of all worlds). I learned from my colleagues at school that I was an orphan. At the beginning, I did not worry about this for my adoptive-mother was with me, but now after she died, I am alone with my adoptive father, who is a very good man Al-Hamdullilah, but he is not a Mahram (a spouse or an unmarriageable relative) for me. I wear concealing clothes in front of him, but I do not wear the scarf. I lived for a while at my adoptive-mother's family house, that is the house of my adoptive-grandfather, but I did not feel that I was comfortable there, therefore, I returned back to my father to nurse him, as he was sick and suffers from many diseases. Is my living with him Haram (prohibited)? Is uncovering my hair in front of him Haram? Please answer me.

A: adoption does not make you the daughter of those who raised you, as was the case in the time of Jahiliyyah (pre-Islamic time of ignorance), but it (adoption) only intends to act kindly towards orphans, raise them, take care of their affairs until they grow up, become mature, and are able to depend on themselves in their living and take care of their own business. Therefore, we

hope that Allah would reward whoever has done this for you, but he is not a father or a Mahram to you; thus, you must be covered up in front of him the way you do in front of any non-Mahram. However, you should return his kindness with kindness, but you have to wear Hijab (veil) and avoid being alone with him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 15427

When I was in Lebanon, I got to know a woman who had a two and half year old son. She was pregnant in the seventh month. The war kept her away from her family, and she told me that her husband divorced her. She gave birth to a baby girl, so now she has a son and a daughter. Later on, I proposed to marry her according to Islamic way and she accepted. When she asked about her status with her children, I told her that I would give them my name. This was done secretly without anyone's knowledge but Allah. Afterwards, Allah endowed me with a boy and girl from her, and we all lived together in happiness. One day, when I was teaching my children the Qur'an and reached Surah (Qur'anic chapter) Al-Ahzab at the Ayah (Qur'anic verse) in which Allah (Exalted be He) says, ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh.﴿

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I began to think about the meaning of the Ayah. I asked some Shaykhs about its meaning, but nobody gave me a final answer. Is my action Haram (prohibited), given that nobody in my family or the village knows anything about the matter? What is the guilt of the children in this issue amidst such an unmerciful society? Please, advise me and give me a definite answer. May Allah reward you with the best!

A: If the case is as mentioned above, it is obligatory to attribute the children to their legal father, and it is not permissible for you to give them your name. Allah (Exalted be He) said, ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 17373

Q: what is the ruling on uncovering my face in front of the person who brought me up and adopted me, and what is the ruling on my living with him in the same house? It is noteworthy that I live in Al-Madinah Al-Munawwarah with my husband with whom I have problems. I may ask for divorce and then I have to live in Sudan. I have no one to turn to except this person.

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Am I sinful if I live with and uncover my face in front of my adoptive father, even though I have no relatives and no one else but him?

A: It is impermissible for you to either live with this person who adopted you or to uncover your face in front of him as he is Ajnaby (man lawful for the woman to marry) for you. Moreover, your attribution to him is not legitimized by adoption which is forbidden by Allah's statement: ﴾Allâh has not made for any man two hearts inside his body. Neither has He made your wives whom you declare to be like your mothers' backs, your real mothers. [az-Zihâr is the saying of a husband to his wife, "You are to me like the back of my mother" i.e. You are unlawful for me to approach], nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿ This Ayah means that an adopted child does not become the son of the man who adopts him and calls him his son. Actually, your sons are those who were born from you. Saying that this son is the son of so-and-so who adopts him and calls him by his name is merely your saying with your mouths what is false. Allah speaks the truth; namely truthfulness and certainty. He orders you to obey Him and follow His Shariah (Law) and commandments.

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Allah (Exalted be He) has directed Muslims to keep for their adopted children the names of their real fathers. This is just and righteous, but if their biological fathers are not known, then they should be called brethren in faith. Not knowing their fathers cannot be justification for adopting and calling them by the names of the adoptive parents. Support and brotherhood in Islam is sufficient. Accordingly, it is impermissible for you to claim blood ties to this man. You should stay with your husband and ask Allah to help bring about reconciliation between you. Yet, there is nothing wrong with greeting this man without shaking hands with him, thanking him for his kind treatment with you and supplicate Allah for him. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Bakr Abu Zayd	\`Abdul-\`Aziz Al Al-Shaykh	Salih Al-Fawzan	\`Abdullah ibn Ghudayyan	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 17679

Q: I am a seventy year old man. according to the custom in my country, I was given my maternal uncle's name, as he was sterile and I was raised in his house since my early days. However, I did not inherit anything from my maternal uncle; despite the fact that the name that was registered in my official papers and that I, my children and my grandchildren are known by who are about fifty in number, was

M. R. S. M. while my real name is M. `A. M. M. Recently I learned about the Hadith in which the Prophet (peace be upon him) prohibited ascribing oneself to other than one's own father. I fear being considered a sinner regarding this matter. My questions are: 1- Does the Hadith mentioned above apply to my case? 2- Am I considered a sinner if I am not able to change my name because of the difficulty of resolving these matters in courts in our country? 3- Is it permissible to add Al Rabi`ah to my real name as this is the surname of the family in which I grew up and I am known by?

A: It is Wajib (obligatory) on you to change your current name to your real one for it is authentically narrated on the authority of Abu Dhar (may Allah be pleased with him) that the Prophet (peace be upon him) stated: ﴾There is not a man who attributes himself to other than his own father, while knowing him, but has disbelieved.﴿ (Related by Ahmad, Al-Bukhari, and Muslim). Another proof is the Hadith that is narrated on the authority of Sa`d and Abu Bakrah in which the Prophet (peace be upon him) stated: ﴾Whoever claims to be the son of a person other than his father, and he knows that person is not his father, then Jannah (Paradise) will be forbidden for him.﴿

(Related by Ahmad, Al-Bukhari, Muslim, Abu Dawud, and Ibn Majah). A third proof is the Hadith narrated on the authority of Anas that the Prophet (peace be upon him) stated: ﴾If anyone claims to be the son of a person other than his father or the bondsman of other than his own holders, there will be upon him the curse of Allah until the Day of Resurrection.﴿ (Related by Abu Dawud). Though the wording of these Hadith differ, they all warn whomever claims to be the descendant of a person other than their father that they will be deprived from Jannah and punished in hellfire for changing their lineages as this leads to corruption. It leads to depriving real heirs from receiving their rights, giving inheritance to non-heirs, and much confusion regarding defining unmarriageable and marriageable relatives. Moreover, using false names is tantamount to defaming one's own lineage, disdaining their ancestors, and being undutiful to them etc. Therefore, whoever indulges in such a sin deserves the curse of Allah until the Day of Resurrection, as the Messenger of Allah (peace be upon him) stated. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 17904

Q 2: in our village, some elders name the son after its mother and not its father. What is the ruling on this?

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A: It is obligatory to name a child after its father, and it is not permissible to name it after its mother, for Allah (Exalted be He) states: (Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh.) If the child's father is unknown, it should be given any suitable name such as `Abdullah, `Abd Al-Rahman or the like. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 17999

Q: My grandfather gave me his name when I was born since my father died and had no ID card. Later I have got a job with this name which does not contain my father's name. Please tell me if there is any sin on me as a result. Please bear in mind that I have not usurped or stolen any of my relatives' or brothers' rights, but I just want to be sure. Please answer me.

A: It is permissible to carry the grandfather's name since he is the father of your father. The Prophet (peace be upon him) said: ("I am the Prophet, it is not a lie. I am the son of `Abdul-Muttalib.") He said that even though `Abdul-Muttalib

was his paternal grandfather. The Prophet's name is Muhammad ibn `Abdullah ibn `Abdul-Muttalib. At the same time, a Muslim has to register their father's name in order to avoid any confusion when it comes to matters related to inheritance and the like. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 20649

All praise be to Allah Alone, and peace and blessings be upon the final Prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the letter submitted to His Honor the General Mufty by the assistant of the Chief Justice in Al-Ahsa', Sheikh Ibrahim ibn Muhammad Al-Husayn, under no. 2544/1 on 8/9/1419 A.H. referred to the Committee from the Secretariat General of the Council of Senior Scholars under no. 5829 on

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23/9/1419 A.H. He attaches to his letter a letter he received from the judge in the Supreme Court in Al-Ahsa', Sheikh Muhammad ibn Sulayman Al-Sa`id. The letter is in relation to the request made by `Ali ibn Sa`d ibn `Ali Al-Musaylam to change the name of the foster-child Ghassan `Abd Al-`Aziz ibn `Abdullah Muhammad. The letter states: Attached are all the documents of the referred case under no. 40/3 on 26/8/1419 A.H. related to the request submitted by `Ali ibn Sa`d ibn `Ali Al-Musaylam asking to change the name of the foster-child called Ghassan `Abd Al-`Aziz ibn `Abdullah Muhammad, pursuant to the act attached to the letter issued from this court under no. 46/9 on 23/7/1417 A.H., to be Ghassan `Ali `Abdullah Muhammad since the petitioner's name is `Ali Al-Musaylam. He wants the child's name to be Ghassan `Ali `Abdullah Muhammad to make things easy for the child.

A circulated notice issued by the Ministry of Health under no. 71/6/31 on 13/3/1404 A.H. whose copy is attached to the letter which is based on a Fatwa (legal opinion issued by a qualified Muslim scholar) by His Honor Sheikh `Abdul-Aziz Bin `Abdullah Ibn Baz (may Allah protect him) stipulates that names of foster-children should be composed of four names. The first is a proper name, while the second and third should denote subservience to Allah and the fourth a proper name as well. Please ask the General Mufty of the Kingdom of Saudi Arabia

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(may Allah protect him) if there is anything that prevents changing a foster child's name to have a proper name as his second name to be "Ghassan `Ali `Abdullah Muhammad". We ask Allah to guide Your Honor and grant him success.

May Allah protect and save you! Peace be upon you!

After studying the Fatwa request, the Committee gave the following answer: The foster-child's name should remain Ghassan `Abd Al-`Aziz ibn `Abdullah Muhammad without any change, based on the Fatwa issued by His Honor the General Mufty of the Kingdom in this regard. Moreover, changing the child's name may indicate that his foster-parent is his father, cause confusion and lead to the prohibited adoption. With the passage of time, the foster-child or anyone else may think that his foster-parents are his natural parents and thus attribute the child to them. This may cause confusion and mixing in lineage. It can be a means of achieving personal gains and desires and lead to what Allah has made unlawful. All of this is harmful and reprehensible. May Allah grant us

success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

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Fatwa no. 461

Q: what is the meaning of this statement: "He who was ascribed to other than his real father, will be admitted to the Hell"? Could you kindly advise?

A: The statement which the questioner mentioned is the purport of a Hadith that has been narrated in different wordings. One of them was narrated by Abu Dhar that the Prophet (peace be upon him) said, ﴾If somebody claims to be the son of anyone other than his real father knowingly, he but disbelieves in Allah...﴿ Related by Ahmad, Al-Bukhari and Muslim. Another one was narrated by Sa`d and Abu Bakrah that the Prophet (peace be upon him) said, ﴾Whoever claims to be the son of a person other than his father knowingly, Paradise will be forbidden for him.﴿ Related by Ahmad, Al-Bukhari, Muslim, Abu Dawud and Ibn Majah. In another narration that was related by Anas the Prophet (peace be upon him) said, ﴾If anyone claims to be the son of a person other than his father or the client of someone other than his own masters, there is upon him the curse of Allah until the Day of Resurrection...﴿ Related by Abu Dawud. Despite the different wordings of these Hadith, they all threaten anyone who is ascribed to anyone other than his real father that he will be deprived from admittance to Paradise and his worthiness of Hell-Fire because of changing and mixing lineage. This may lead to great corruption such as the disinheritance of someone, giving inheritance to someone who is not entitled to it, prohibition of some women to some males, making women and men lawful or unlawful to each other, slandering the lineage and disdaining one's origins. Moreover, this may lead to

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corruption and other bad consequences. Therefore, he deserves the curse of Allah which is repeatedly said by the Prophet (peace be upon him). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Second question of Fatwa no. 1710

Q 2: What is the ruling on a person who changes their father's name out of ignorance for the sake of a worldly gain?

A: It is not permissible for a person to change their father's name for the sake of a worldly gain. This is because such gain is one of two things. First: Notability on the ground of associating themselves with a different person and disdaining being related to their father which is a major sin as it entails lying, falseness, and degrading the father. Second: Earning money via inheritance, judged compensation, etc. This is also a major sin as it comprises lying, deception, and devouring people's money unjustly. This also changes lineages and leads to the alteration of descents and consequently creates ambiguity. Changing a person's father's name is a means to considering Haram (prohibited) things relating to marriage, properties, etc., that Allah (Exalted be He) declares Halal (lawful) and vice versa. Of course, this involves major corruption. It is worth mentioning that it is authentically reported on the authority of Abu Dhar (may Allah be pleased with him) that the Prophet (peace be upon him) said:

﴾Whoever attributes themselves to other than their own father, while knowing him, commits an act of Kufr (disbelief).﴿ Besides, it is authentically reported on the authority of Sa`d ibn Abi Waqqas (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Whoever claims to be the son (or daughter) of a person other than their father while they know that such person is not their father, then Jannah (Paradise) will be forbidden to them.﴿ It is reported on the authority of Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾Do not detest your fathers for whoever does so commits an act of Kufr.﴿ (Related by Al-Bukhari and Muslim). The Prophet (peace be upon him) thus threatened strictly the person who claims to be the son (or daughter) of a person other than their father. He (peace be upon him) regarded such an act as being a sort of Kufr and declared Jannah forbidden to whoever indulges in the concerned sin. Accordingly, whoever claims to be the son of a person other than their father has to give up that and make Tawbah (repentance to Allah) and Istighfar (seeking forgiveness from Allah). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 4169

Q: What is the ruling on a person who relates himself to someone other than his father to facilitate matters of life such as getting an identity card or so. He just changed one word of his full name. For example, his real name is Mohamed Ali Said and he changed it to Omar Ali Said, so his current full name is Mohamed Omar Ali Said. He does not deny his real father, family, and people. In fact, he is still in contact with them and recognizes his father as his real father. When people ask him about his real father, he refers to him. Also his real father is dead and so is the person to whom he related himself. Is it permissible for this person to keep relating himself to a person other than his father or not? Does the serious menace made by the Prophet (peace be upon him) apply to this person or not? We need your Fatwa to go by the right view. May Allah reward you with the best! It should be noted that this person related himself to someone other than his real father before he knew the Hadith of Allah's Messenger (peace be upon him) forbidding it.

A: A person's ascribing himself to someone other than their father is a major sin. Similarly, providing false information to officials is a serious crime. The religious texts that warn against changing one's names of lineage and replacing his actual fathers with others are comprehensive and hence they are applied to every case in this regard, to perjury, and false statements. Whoever commits such a sin

has to repent to Allah (Glorified be He) and set his name right in the presence of those in charge of this and the like, so his real name may conform with his real lineage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The first and second questions of Fatwa no. 7599

Q 1: What is the Shari'ah (Islamic law) ruling on someone who gets an identity card in the name of his maternal grandfather, who is a cousin by birth to his own father? They are all saudis and there is no problem between them regarding inheritance. Does the Hadith about claiming attribution to other than one's father apply to this case and who are the people referred to in the Hadith?

A: This is not permissible, as it involves him attributing himself to other than his own father, even though it is to his maternal grandfather, his father's cousin by birth. This is due to the generality of the texts of the Qur'an and Sunnah on this subject. The legal father is the man from whose sperm a child was conceived in a lawful manner, i.e. within marriage.

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Q 2: a Bedouin father, who had no identity card, died leaving a child and a wife, who was the mother of the child. The mother married the father's brother, who supported the child and educated him.

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He made an identity card for the child in his name, not in the name of his father. There is no problem regarding inheritance. Is there any wrong with this act according to the Shari'ah (Islamic law)?

A: It is not permissible for him to be attributed to other than his own father, not even to a paternal uncle who married his mother after his father's death, even if this uncle has raised him and supported him. This is so according to the generality of texts of the Qur'an and the Sunnah in this regard. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13324

Q: I am from afghanistan. My brother-in-law was killed and left orphan children. Therefore, I adopted one of them in order to bring him with me to KSA. His uncle requested us to send him the boy in America. There is no other way to maintain this young boy except through bringing him here to stay with me. What is the ruling on adopting this boy in my name to be able to bring him here? I appreciate your guidance, may Allah reward you!

A: It is not permissible for you to adopt your sister's son in your name because this is a lie

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and will lead to confusion of lineage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 14360

Q: is it permissible for a young man to carry the name of his maternal uncle who adopted him since his birth with his parents' consent? Is he permitted to get married while carrying the name of his uncle? Is he considered a liar if he is asked about his name and answers the name of his uncle?

A: He is not permitted to carry the name of any one other than his father, for Allah (Exalted be He) states: ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves).﴿ The Prophet (peace be upon him) stated: ﴾If anyone claims to be the son of a person other than his father or the servant of other than his own masters, there is upon him the curse of Allah, the angels and all the people.﴿

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Reported by Muslim and others. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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The third question of Fatwa no. 18147

Q 3: according to customs of some countries, the wife is called by the name or Laqab (title of honor) of her husband after marriage. For instance, when a woman called Zaynab, marries a man called Zayd, is she permitted to write her name added to the name of her husband, i.e. Zaynab Zayd? Does this pertain to customs of the Western civilization that we should avoid?

A: A Muslim is not permitted to be attributed to anyone other than their father. Allah (Exalted be He) says, ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh.﴿ Islam threatens the person who attributes himself to someone other than his father severely. Thus, it is not permissible for the wife to be attributed to her husband as is commonly done by the disbelievers or Muslims who imitate them.

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The eleventh question of Fatwa no. 2292

Q 11: The British government strictly bans foreigners from entering Britain, except for those who have young children. Some Muslims give other children their names claiming they are their children; or some will claim to be the their brother's father, or a paternal uncle may claim to be of his nephew's father. In this way, they forge their lineage to facilitate entry into Britain. What is the ruling on this deceptive scheme?

A 11: If the case is as you have mentioned, it is not permissible for a Muslim to claim the fatherhood of a son or daughter other than his own son and daughter. This is falsehood and lying. Allah the Exalted ordered us to call children by their fathers' names, Allah (Exalted be He) states: ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿

Moreover, one is not permitted by any means to make such false claims. There is no need for this, as Allah's earth is spacious. Muslims living in the countries of the disbelievers must leave, and those outside should not enter them except for a necessity or an Islamic public interest, such as calling to Allah in order to preserve their religion and distancing themselves from Fitnah (temptation). Allah ((Exalted be He) states: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ ﴾And He will provide him from (sources) he never could imagine.﴿ May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fawa no. 3215

Q 1: Thirty years ago, my father's paternal cousin came to Kuwait looking for a job. After a while, he quit his job and returned to his homeland, Saudi Arabia. He is eighty five years old now.

Q 2: His paternal nephew later came in search of a job to provide for himself, but he used his uncle's name rather than his father's.

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Up until this moment he continues to work under this name.

Q 3: I also came to search for work, applied for a job to earn a living, but I named myself after my father's cousin instead of my father. I did this for livelihood purposes, but now the reality is that I am married and have children who are students at different stages of their education. Whatever property we own and all transactions and official documents are registered according to the new name not the real one. It should be mentioned that up till now, I am still known by my real name amongst my family and tribe and they call me by it.

As for governmental departments and organizations, I am known by the name which I recently assumed. However, deep in my heart, I do not accept this new name, but as I have mentioned, I did this only for livelihood purposes and the future of my family. Furthermore, there are other circumstances that forced me to be assume this name.

What is the opinion of Your Honor on this? May Allah preserve you! For if I tried to return to my real name and reveal it publically to the governmental authorities, the following would happen: 1- I will loose my job which is the sole source of income for me and the ten members of my family. 2- My children will be deprived of an education,

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3- I will lose my house that I got for my family, which is the only thing that we possess. 4- Some of my relatives will suffer the same consequences, and other people may be harmed.

Does the following noble Hadith apply to me? (whoever knowingly claims to belong to anyone other than his father, Jannah (Paradise) will be Haram (prohibited) for him) Is there a Kaffarah (expiation) or any other way to rectify this deed if it is wrong ? Awaiting Your Honor's reply to my problem, for after Allah's Will, the destiny of me and my family depends on your decision.

A: You should observe Tawbah (repentance), seek Allah's forgiveness and rectify this name problem according to the truth, and there is nothing else that you can do if you sincerely offer Tawbah to Allah, for He states: (And verily, I am indeed forgiving to him who repents, believes (in My Oneness, and associates none in worship with Me) and does righteous good deeds, and then remains constant in doing them, (till his death).) However, the hardships that you fear you will face upon revealing

your real name are not to prevent you from resorting to truth. Surely, Allah will make your matters easy for you and compensate you for your loses

when you reclaim your real name, and offer Tawbah to Allah (Glorified be He) for this forgery, for Allah (Glorified and Exalted be He) says: ﴾And whosoever fears Allâh and keeps his duty to Him, He will make a way for him to get out (from every difficulty).﴿ ﴾And He will provide him from (sources) he never could imagine.﴿ And: ﴾and whosoever fears Allâh and keeps his duty to Him, He will make his matter easy for him.﴿ We ask of Allah to guide you and us to sincere Tawbah. May Peace and blessings be on our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7186

Q: As the following question is being posed by many people, I have thought it may be a good idea to send it to Your Eminence to give us a detailed answer In sha'a-Allah (if Allah wills).

The British government has banned foreigners from entering Britain to reside there, except for those whose parents are residents in the UK. therefore, some Muslims make a trick

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and change their lineage to be able to enter Britain. They attribute to themselves children who are not theirs. For example, a person claims his brother is his son, or his nephew is his own son, and so on. I would like to pose the following questions: a) What is the ruling of Shari`ah (Islamic law) on changing one's lineage? b) Is it permissible for someone who has already entered Britain through the way mentioned above to remain there or should they leave even after a period of time? It may be worth mentioning that some people have already entered Britain through the way mentioned above some years ago and have bought houses and some other possessions there.

I hope Your Eminence would answer my question as soon as possible.

A: It is not permissible to change one's lineage even for the reason which is mentioned in the question. In fact, doing so is Haram (prohibited) and is considered a major sin, because it involves lying and falsehood and it opposes Allah's Purified Shar` (Law) which commands Muslims to preserve lineages. Therefore, it is Wajib (obligatory) for whoever has indulged in such a sin to make Tawbah (repentance to Allah), hasten to correct their names immediately, and leave the non-Muslim country to live in a Muslim one to be able to perform the obligatory acts of worship properly. By doing so, they will increase the number of Muslims, cooperate with them in acts of righteousness and piety, and protect themselves from Fitnah (temptation).

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 122

Q: One of our relatives adopted a foundling whom he brought up, taught, and treated well. Out of compassion and in an attempt to the do right thing, he gave him his name and registered him as his own son. The man then died in Al-Zubayr and he had no children to inherit him. The adopted son, on the other hand, has now become of legal age and has joined Zhahran Technical Institute. The family have discussed the suggestion of changing the foundling's name; some members suggest changing it and others are not concerned about this matter. We fear that this might lead to mixing of lineages and distortion when distributing the inheritance. Please give us the ruling of Shari`ah (Islamic law) on this matter so we can act accordingly!

A: According to Shari`ah, it is not permissible for a person who adopts a child to give him his name as if he is his own son and a member of his family, as described in the Fatwa request. This involves lying, falsehood, mixing of lineages, and represents a threat to people's honor. This may also lead to distortion of the channels of inheritance by depriving the rightful heirs of their due or giving unentitled persons shares in the inheritance.

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This act also leads to chaos in the sphere of relationships between Mahrams (spouses or unmarriageable relatives) and non-Mahrams, and affects issues of Khulwah (being alone with a member of the opposite sex) and marriage. It also violates the sanctities and transgresses the bounds of Shari`ah. That is why Allah (Exalted be He) has forbidden giving a child the name of other than their father. The Prophet (peace be upon him) has cursed anyone who claims to be the child or slave of a person other than their father or master. Allah (Exalted be He) says: ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend. And Allâh is Ever Oft-Forgiving, Most Merciful.﴿ The Prophet (peace be upon him) said: ﴾"Whoever claims to be the child of a person other than their father, and they know that person is not their father, then Jannah (Paradise) will be forbidden for them."﴿ (Related by Ahmad, Al-Bukhari, and Muslim) He (peace be upon him) also said: ﴾"If anyone claims to be the child of a person other than their father or attributes themselves to other than their own master, Allah will curse them continually until the Day of Resurrection."﴿ The person mentioned in the question made a mistake when he tried to do the right thing by giving his name to the child. Matters cannot be left as they are; they should be put right, because of the texts which state that this naming is Haram (prohibited) and because of the consequences quoted above. As for feeling compassion for the child, bringing him up, and treating him kindly, these are good actions which are encouraged in Islam.

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Fatwa no. 3408

Q: What is the ruling on the inheritance of an illegitimate child if his/ her lineage to one who committed Zina (premarital sexual intercourse and/or adultery) is confirmed? Does he/she inherit the property of the fornicator or not?

A: The correct scholarly view is that the child is not to be attributed to the man who had intercourse with the woman, unless intercourse took place within the framework of a valid or invalid marriage, or something that may be taken as a marriage contract, or something that may be taken as concubinage. In such cases, the child may be attributed to the man who had intercourse with the woman, and they may inherit from one another. But if it was a case of Zina, then the child cannot be attributed to the fornicator. Based on this, the child also cannot inherit from him. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 5236

Q 2: what is the ruling on an illegitimate child whose father confessed to his lineage and his mother

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is not married?

A: An illegitimate child can not be ascribed to the adulterer. The Prophet (peace be upon him) said, (The son is for the bed (i.e. the man on whose bed he was born) and stones (disappointment and deprivation) for the one who has committed illegal sexual intercourse.) It is permissible for the adulterer to marry the adulteress after the elapse of `Iddah (woman's prescribed waiting period after divorce or widowhood) and sincere repentance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 5554

Q: one of my friends fell in love with a Muslim girl and committed Zina (premarital sexual intercourse and/or adultery) with her. She became pregnant before making a lawful marriage contract. My friend married her afterwards. Is their baby considered as an illegitimate child or not? Bearing in mind that the Had (ordained punishment for violating Allah's Law) is not carried out in such cases in our country, what should be the appropriate punishment for him according to the rulings of the Shari'ah (Islamic law)? If the Had is not carried out on him in this life, will it be waived or will it be carried out in the Hereafter? What should be said to advise and guide others like this couple, so they can restrain themselves and repent to Allah.

A: If the reality is as was mentioned and the woman became pregnant before the man married her,

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the child in question is an illegitimate child and it should not be named after the man who fornicated with her, rather it should be named after its mother. Their marriage is Batil (null and void). They have to renew the contract in a Shar'y (Islamically lawful) manner, if they both want each other. **Second:** Both the man and the woman have to perform Tawbah (repentance to Allah) and seek Allah's Forgiveness, as sincere Tawbah erases whatever happens before it. Allah (Exalted be He) says: ﴾And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except for just cause, nor commit illegal sexual intercourse - and whoever does this shall receive the punishment.﴿ ﴾The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace;﴿ ﴾Except those who repent and believe (in Islâmic Monotheism), and do righteous deeds; for those, Allâh will change their sins into good deeds, and Allâh is Oft-Forgiving, Most Merciful.﴿ You have to cover up their sin and not reveal what happened between them, as Allah (Glorified be He) says: ﴾Verily, those who like that (the crime of) illegal sexual intercourse should be propagated among those who believe, they will have a painful torment in this world and in the Hereafter. And Allâh knows and you know not.﴿ Similarly, the Prophet (peace be upon him) said, ﴾"Anyone who conceals (the defects of) a Muslim, Allah will conceal them (their defects) in this world and in the Hereafter."﴿

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 6480

Q: I heard about a widespread case. some Muslim expatriates marry Christian women without marriage contracts. They meet such women and agree to live with them then they beget children. These children are given Islamic names and attributed to the men who had sexual relation with the mothers. These Muslims claim that the women with whom they had sexual intercourse want, at their discretion, to sincerely convert to Islam. My question is: What is the solution if such women convert to Islam and these men separate from them, then later marry these women with lawful contracts? What is the status of the illegitimate children?

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A: First, the agreement concluded between these persons counts as an agreement on adultery, which is prohibited according to the Qur'an, Sunnah and Ijma` (consensus of scholars). Such Muslim men must perform Tawbah (repentance to Allah). As for the children who were born as a result of such relations, they are illegitimate children who are to be attributed to their mother, not to their father by any means. **Second,** if the woman converts to Islam and they both perform Tawbah, the man is allowed to marry her with a lawful contract. The children they beget under this new contract are to be attributed to both of them. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 21328

Q: We are spouses who live in Taiwan and have no children. Now, we are 40 years old and there is a newborn child and a three year old girl who we want to adopt. They are not related to the same family. We discussed the matter with our Imam in Taipei and he referred us to the Mufti of Saudi Arabia to give a legal opinion about the case. Could you kindly advise in this regard and explain how we should treat them

until they become of age? May Allah guide all Muslims to the right path! May Allah reward you with the best!

A: It is not permissible for you to adopt the unknown boy, the girl you mentioned or any other child who are not your real children because Allah has prohibited adoption. He also abolished the adoption that existed in the pre-Islamic period and at the early period of Islam such as the Prophet's adoption of Zayd ibn Harithah. Allah (Exalted be He) says in this regard, ﴾nor has He made your adopted sons your real sons. That is but your saying with your mouths. But Allâh says the truth, and He guides to the (Right) Way.﴿ The Messenger of Allah (peace be upon him) also prohibited that a Muslim, male or female, adopt anyone or call anyone by someone else's name or tribe falsely. Abu Dhar (may Allah be pleased with him) reported that he heard the Prophet (peace be upon him) saying, ﴾Whoever claims knowingly anyone else as his father besides (his own) commits nothing but infidelity, and he who makes a claim of anything, which (in fact) does not belong to him, is not among us; he should make his abode in Fire.﴿ Agreed upon by Al-Bukhari and Muslim. In another narration: ﴾Verily, one of the worst lies is to claim falsely to be the son of someone other than one's real father...﴿ Thereupon, it is obligatory that every person is ascribed to his father and if his father is not known

but has a master, he should be attributed to that person. If he does not have a master, he should be attributed to religion, so he will be called a Muslim brother or a Muslim sister. Allah (Exalted be He) says, ﴾Call them (adopted sons) by (the names of) their fathers: that is more just with Allâh. But if you know not their father's (names, call them) your brothers in faith and Mawâlîkum (your freed slaves). And there is no sin on you concerning that in which you made a mistake, except in regard to what your hearts deliberately intend.﴿ It is desirable for you to treat them kindly and take care of them if none of their relatives is caring for them and you shall be rewarded for that. If they stay with you until they become of age and there is no breastfeeding relationship between both of you, they are Ajnaby (lawful to marry) to you. Therefore, it is not lawful for the husband to be in privacy with the woman or even look at her and it is also not lawful to the wife to be in privacy with the man or look at him. The woman must wear Hijab (Veil) in the presence of the man and it is not permissible to travel with him without a Mahram (spouse or unmarriageable relative). Likewise, when the boy and the girl become of age, there is no breastfeeding relationship between them, she is Ajnabiyah (lawful to marry) for him and he is Ajnaby for her. They must not be in privacy with one another and a woman must wear Hijab in his presence. It is not permissible for him to travel with her without a

Mahram. Moreover, it is not permissible for you to be their Waliy (a legally accountable person acting for a woman seeking marriage) in concluding a marriage contract. If they do not have a Waliy or

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a legal guardian or consanguine relative, the case should be referred to the Muslim ruler or his deputy such as a judge. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 10663

Q: A man married a French woman without a legal marriage contract and she bore him children. Later, he performed Tawbah (repentance to Allah) and wanted to remarry the same woman according to the legal way. Are his children considered illegitimate? Can they stay with him in this case? Can he tell them that they are illegitimate children? Please advise, may Allah reward you.

A: The children that were born before you concluded a legal marriage contract to this woman are considered illegitimate children. There is no harm in telling them such a thing. If you let them stay with you, sustain them and treat them kindly after both of you perform Tawbah, this will be great. You can marry her if you meet the terms, conditions and essential elements of a marriage contract, while avoiding any impediments. The children are not to blame and they did not commit any sin.

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The sixth question of Fatwa no. 2387

Q 6: do illegitimate children enter Jannah (Paradise) if they obey Allah or not? Are they considered sinful or not?

A: An illegitimate child bears no sin by virtue of the Zina (adultery) of his mother and the man who involved in this sin with her; this is not the child's deed but theirs, according to Allah's saying, ﴾He gets reward for that (good) which he has earned, and he is punished for that (evil) which he has earned.﴿ Allah also says, ﴾and no bearer of burdens shall bear the burden of another.﴿ An illegitimate child is like anybody else; if they obey Allah, perform good deeds and die while embracing Islam, they will enter Jannah. If they disobey Allah and die while in a state of Kufr (disbelief), they will enter Hellfire. If they mix good deeds with evil deeds and die while embracing Islam, their destiny will be determined by Allah; He might forgive them if He wants, or punish them if He wants, and then let them

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enter Jannah by His Favor and His Mercy. As for the Hadith that was narrated about illegitimate children being deprived from Jannah, it is a Hadith Mawdu` (fabricated Hadith). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fourth question of Fatwa no. 5512

Q 4: What are rights of an illegitimate child?

A: An illegitimate child deserves the same rights as other Muslim children if his mother is a Muslim woman. Being her own flesh and blood, he assumes rights over her and over those of her relatives whom he may inherit after death. If the mother is dead or there are no relatives, the Muslim community is bound to support him. An illegitimate child shall claim no rights from the adulterer whom the Shari`ah (Islamic law) does not consider to be the legitimate father. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

`Iddah (woman's prescribed waiting period after divorce or widowhood) and purification of the womb

The fourteenth question of Fatwa no. 606

Q 14: what is the wisdom of mourning? Is it Sunnah (a commendable act), wajib (obligatory, extrapolated from the meaning of a text) or Fard (obligatory, based on a definitive text) for a woman to mourn her dead husband?

A 14: The woman whose husband dies must observe `Iddah (woman's prescribed waiting period after widowhood), for Allah's Messenger (peace be upon him) stated: ("It is not lawful for a woman who believes in Allah and the Last Day to observe morning (avoidance of perfume and adornment) for a dead person for more than three (days), except over a husband, (in which case the period is) four months and ten (days).") A Muslim has to obey Allah and His Messenger with regard to any command or prohibition, whether he understands its wisdom or not. Allah knows what keeps His servants upright and what is befitting, so whatever He legislates achieves this end. The wisdom behind mourning is to console the relatives of the deceased, respect their feelings and

to completely observe the right of the deceased. Allah knows best. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The first question of Fatwa no. 4800

Q 1: does a man have `Iddah (prescribed waiting period after divorce or widowhood) like women? If so, how long is it?

A: Men do not have `Iddah like women, but at certain conditions a man is prohibited from marrying another woman. For example, if a man is married to four women and then grants one of them a revocable divorce, he will not have the right to marry another woman until the divorcee's `Iddah is over. This waiting period is the `Iddah of the woman; not that of the man, since he can take her back in marriage at any time. That is why men are not allowed to marry during this period until the divorcee is irrevocably divorced by finishing her `Iddah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 562

Q: when a man divorces his wife before consummating the marriage, does she have to observe `Iddah (woman's prescribed waiting period after divorce)?

A: Allah (Exalted be He) says: (O you who believe! When you marry believing women, and then divorce them before you have sexual intercourse with them, no 'Iddah [divorce prescribed period, see (V.65:4)] have you to count in respect of them.) This Ayah (Qur'anic verse) is clear evidence that a woman whose husband divorces her before consummating the marriage does not have `Iddah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 19596

Q 3: A person concluded the marriage contract with a woman but died before consummating the marriage. Please tell us if his wife has to observe `Iddah (woman's prescribed waiting period after divorce or widowhood) or not.

A: A widowed woman has to observe `Iddah, whether her marriage is consummated or not. The `Iddah is four months and ten days and nights. Allah (Exalted be He) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿

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The first question of Fatwa no. 3784

Q 1: What is Your Honor's opinion on a man who died leaving behind two wives; one who is still a virgin and the other is pregnant. They observed mourning for a month, after that the pregnant one gave birth to a boy. Some people claim that the mourning period ends when the women gives birth to a male child and it also ends the mourning of the deceased's other wife. Is this correct?

A 1: The `Iddah (woman's prescribed waiting period after widowhood) of the pregnant ends upon her giving birth. As for the other wife, her `Iddah is four months and ten days starting from the date of her husband's death, and not as some people claim that her `Iddah ends by her co-wife giving birth to a boy. This has no basis in the Shari`ah (Islamic law), rather it is a misconception of the people,

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and of public superstitions. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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The first question of Fatwa no. 8141

Q 1: is it permissible for a woman who observes `iddah (woman's prescribed waiting period after divorce or widowhood) to remarry if the appointed term of `iddah expires regardless of whether or not she has menstruated?

A: The prescribed `Iddah of a pregnant woman expires upon delivery, whether she is a divorcee or a widow. A widow shall observe `Iddah for four months and ten days following her husband's death. The `Iddah of a woman who is divorced after the consummation of the marriage is after she has three menstrual periods. A three-month `Iddah has to be observed by a woman who does not menstruate due to young or old age. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 9235

Q 2: does the `Iddah (woman's prescribed waiting period after widowhood) of a widow whose husband dies while she is pregnant end once she delivers a child, a clot, or a lump of flesh?

A: The term of `Iddah of the widow whose husband dies while she is pregnant ends when she gives birth to a child, a clot, a lump of flesh, or whatever. Allah (Exalted be He) states: (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 9578

Q 2: What is the `Iddah (woman's prescribed waiting period after divorce or widowhood) for the following types of women: a divorced woman, a menstruating woman, a prepubescent girl, a newly-delivered woman, a pregnant woman, a woman who experiences Istihadah (abnormal vaginal bleeding outside the menstrual or post-partum period), and a menopausal woman?

A: there are six categories of women as regards `Iddah:

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First, a pregnant woman: Her `Iddah, whether she is a widow or divorced, expires upon delivery. This is according to Allah's saying: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ Second, a non-pregnant widow: Her `Iddah is four months and ten days following her husband's death. This is according to Allah's saying: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ Third, a menstruating woman: Her `Iddah is three menstrual periods. This is according to Allah's saying: ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ Fourth, a woman who does not menstruate, either because she is too young or too old: Her `Iddah is three months. This is according to Allah's saying: ﴾And those of your women as have passed the age of monthly courses, for them the 'Iddah (prescribed period), if you have doubt (about their periods), is three months; and for those who have no courses [(i.e. they are still immature)﴿ The same applies to

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the woman who experiences Istihadah. Fifth, a woman who no longer has menstrual periods for an unknown reason: Her `Iddah is one year. This is based on the following saying of Al-Shafi`y, "This was the judgment of `Umar between the Muhajirun (Emigrants from Makkah to Madinah) and the Ansar (Helpers, inhabitants of Madinah who supported the Prophet); and no one denies it." Sixth, the wife of a lost man: Her `Iddah is four months and ten days like a widow. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 13121

Q 1: is it permissible for a pregnant widow along with her co-wife of a polygyny to stop Hidad (mourning prescribed period during which a widow does not adorn herself and keeps to her passed away husband's home) when the baby is born?

A: Both the `Iddah (woman's prescribed waiting period after divorce or widowhood) and Hidad of a pregnant widow have to continue until the baby is born. Unlike the `Iddah and Hidad of a non-pregnant widow which has to continue for four months and ten days. Proof for the foregoing is the Ayah (Qur'anic verse) in which Allah (Exalted be He) says, (And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days))

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He (Exalted be He) also says, (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) (The Prophet (peace be upon him) decided the termination of the `Iddah of Subay`ah Al-Aslamiyyah, who was a pregnant widow, by giving birth to her baby.) The non-pregnant widow is not permitted to terminate her Hidad when her co-wife of a polygyny gives birth to her baby. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 19800

Q: My brother died and left behind a pregnant wife in her first month of pregnancy. She stopped observing `Iddah (woman's prescribed waiting period after divorce or widowhood) four months after her husband's death.

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We hope the Department of Ifta' would clarify the ruling on this.

A: If your brother's pregnant wife is still married to him or is observing `Iddah for a revocable or an irrevocable divorce, she must continue to observe it until delivery. the reason for this is that a pregnant woman's `Iddah, whether she is a widow or a divorcee, only expires upon the delivery of a child. This is based on the general meaning of the Ayah (Qur'anic verse) which reads: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ A widow shall observe `Iddah for four months and ten days if she is not pregnant; otherwise she has to continue observing it until she delivers the baby. Besides observing `Iddah, a widow has also to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) if her husband dies without divorcing her or if he dies after having pronounced a revocable divorce and her `Iddah for divorce has not expired upon his death. Accordingly she must continue observing her `Iddah and Hidad until delivery. It is unlawful for her to remarry as long as she is still pregnant. It is also unlawful for the person who wants to marry her to make an explicit offer of marriage as long as she is still observing `Iddah for the death of her husband. Her `Iddah and Hidad expire immediately after she delivers a child and it will be permissible for her to be engaged to another person. She has to make Tawbah (repentance to Allah) and seek Allah's Forgiveness for stopping to observe `Iddah and Hidad after four months of her husband's death.

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The first question of Fatwa no. 338

Q 1: His father died yesterday in a road accident. (The questioner did not mention the date of death, but his letter was sent to the Committee on 16/12/1392 A.H.). His father gave his mother revocable divorce properly on 15/10/1392 A.H. She reached her menopause eighteen years ago. He asks whether she must observe `Iddah (woman's prescribed waiting period after divorce or widowhood) of a widow or not.

A: If the reality is as the questioner has mentioned, that his father divorced his mother properly on 15/10/1392 A.H. and that the divorce was revocable, her `Iddah lasts for three months as she has reached menopause and the divorce was not initiated by her for consideration. As his father who was hit by a car died before three months elapsed since the date of divorce, she must discontinue the `Iddah of divorce and resume the `Iddah of a widow. The woman who is given revocable divorce assumes the rulings of a wife until the `Iddah expires.

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

The fifth question of Fatwa no. 2758

Q 5: What is the wisdom behind prescribing `Iddah (woman's prescribed waiting period after widowhood) for women after the death of their husbands? If one of the reasons for `Iddah is to establish whether the woman is pregnant or not, why does it last for four months and ten days, during which the widow is not allowed to remarry, go out of her house (except for necessity), or even beautify herself, although pregnancy can be confirmed in twenty-four hours by modern medicine? What is the opinion of Your Honor regarding this issue?

A: Allah (Glorified be He) has prescribed `Iddah for women for many reasons, which were stated by Ibn Al-Qayyim (may Allah be merciful with him) in his book I`lam Al-Muwaqqi`in. The following is his wording, which is enough to answer the question. **In the first place,** there are a number of reasons behind prescribing `Iddah, **some of which are:** Establishing the absence of pregnancy so that the sperms of two or more men are not gathered in one womb resulting in mixed lineages. This involves corruption, which is rejected by Shari`ah (Islamic law) and wisdom.

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Another reason is to raise the esteem of marriage, honor its status, and show its reverence. **`Iddah also aims at** lengthening the period of revoking a divorcee, so that the husband might feel regret and take back his wife. **Another reason is** to give the husband his due right and show the consequences of losing him by preventing the wife from beautifying herself. That is why it is prescribed for women to mourn over their husbands more than they do over their parents or children. **Also,** `Iddah is prescribed as a way of respecting the husband's right, the wife's interest, the children's right, as well as fulfilling the right of Allah which He has ordained. Thus, `Iddah involves four rights. Since marriage ends with the death of one of the spouses, the Law-Giver (Allah) has made death similar to the consummation of marriage in the consequences pertaining to Mahr (mandatory gift to a bride from her groom) and the prohibition of marrying one's stepdaughter, as in the opinion of a group of Sahabah (Companions of the Prophet) and their followers, such as Zayd ibn Thabit and Ahmad in one of the two narrations ascribed to him. Thus, the reason for `Iddah is not only to establish the absence of pregnancy, for this is only one of its reasons and wisdoms. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 804

Q: what is the `Iddah (woman's prescribed waiting period after divorce or widowhood) of a fifty-six-year-old blind widow?

A: A widow, whether young or old, must observe `Iddah for four months and ten days following the death of her husband. This is based on the Ayah (Qur'anic verse) which reads: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ Accordingly, this woman has to observe the `Iddah prescribed for the death of her husband and also has to observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) even if she is old and blind. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions! Permanent Committee for Scholarly Research and Ifta'

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 1044

Q: a woman whose husband has died before consummating the marriage has the following questions:

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Does she have to observe `Iddah (woman's prescribed waiting period after divorce or widowhood)? Is she entitled to receive Mahr (mandatory gift to a bride from her groom)? Has she any right in her husband's estate?

A: If a man dies before consummating his marriage, the wife has to observe `Iddah for four months and ten days, for Allah (Exalted be He) says: (And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)) If the husband has appointed Mahr for his wife, it will be her right to receive it; otherwise she shall receive an amount similar to that of her peers. She inherits from her husband and receives one eighth of the inheritance if her husband has children and she is his only wife. However, if she is not the only wife, she will share the one eighth with the other wives. If the husband does not have children, the wife receives one fourth of the inheritance if she is the only wife, but she will share the one fourth with the other wives if there are any. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Mani`	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	Ibrahim ibn Muhammad Al Al-Shaykh

Fatwa no. 17599

Q: if a man marries a woman and dies before consummating the marriage, does she inherit him and observe the `iddah (woman's prescribed waiting period after divorce or widowhood)? May Allah keep you always in the service

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of Islam and Muslims! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)

A: A woman whose husband dies before consummating the marriage takes the same ruling of a wife. She is entitled to receive the full Mahr (mandatory gift to a bride from her groom), to have her share in the inheritance, and to observe the `Iddah, based on the Prophet's judgment in one case. On the authority of Ibn Mas`ud (may Allah be pleased with him) who narrated: (He was asked about a woman whose husband had not appointed her a Mahr and had not consummated the marriage until he died. Ibn Mas`ud (may Allah be pleased with him) said, "She is entitled to an amount of Mahr similar to that of her peers, neither less nor more. She must observe the `Iddah and she has her share in the inheritance." Ma`qil ibn Sinan Al-Ashja`y said, "The Messenger of Allah (peace be upon him) gave the same judgment in the case of Birwa` bint Washiq, who is one of our women." Upon hearing that, the signs of joy appeared on the face of Ibn Mas`ud.) (Related by Imam Ahmad and the Four Compilers of Hadith (Abu Dawud, Al-Tirmidhy, Al-Nasa'y, and Ibn Majah). The Hadith is ranked as Sahih (authentic) by Al-Tirmidhy and as Hasan (good Hadith) by another group of compilers) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 4225

Q 3: if a man dies while his wife is absent for a year or two on a journey or in prison, for example, does she have to observe `iddah (woman's prescribed waiting period after divorce or widowhood) when she is informed of his death?

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A: If a man dies and his wife is absent from him, her `Iddah starts from the date of his death. However, if she does not know about his death until after the expiry of the period prescribed for `Iddah, she does not have to observe another period of `Iddah or Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Member	Member	Deputy Chairman
`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 4739

Q: I married a person, and he divorced me two years ago during my menstrual period by saying, "You are divorced once." This year, he divorced me again while I was Tahir (ritually pure). That was during `Eid-ul-Fitr (the Festival of Breaking the Fast). Six months passed and I had more than three menstrual periods. he died without taking me back in marriage, and I had my menstrual period after his death. Do I have a right in his inheritance? What is my `Iddah (woman's prescribed waiting period after divorce or widowhood)?

A: If the reality is as you mentioned, and he did not divorce you while he was on his deathbed, you do not have to observe `Iddah. This is according to the following Ayah (Qur'anic verse) in which Allah says:

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﴾And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allâh has created in their wombs, if they believe in Allâh and the Last Day. And their husbands have the better right to take them back in that period, if they wish for reconciliation.﴿ As he did not take you back in marriage, and you had three menstrual periods before his death, you do not have to observe the `Iddah prescribed for death, as you were not his wife when he died. Moreover, you are entitled to no share in the inheritance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fifth question of Fatwa no. 1496

Q 5: does an old woman who has no desire for marriage or a young girl who has not reached puberty have to observe the `Iddah (woman's prescribed waiting period after widowhood) after the death of their husbands?

A: Yes, an old woman who has no desire for marriage and a young girl who has not reach puberty have to observe the `Iddah after the death of their husbands. Their `Iddah elapses by giving birth if they are pregnant or wait for four months and ten days if they are not pregnant. This is based on the general meaning of the saying of Allah (Exalted be He), (And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days))

and: (And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third and the fourth questions of Fatwa no. 10580

Q 3: what is the ruling on a woman whose husband was absent for four years then she was informed that her husband had died a year ago? Should she observe `Iddah (woman's prescribed waiting period after widowhood) for four months and ten days as prescribed in the Glorious Qur'an?

A: The case should be referred to the competent court. If it confirms his death, she should observe her `Iddah as of the time of his death.

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Q 4: A woman was forced by her father to marry a man she did not love. She lived with this husband for three years, during which she never allowed him to have sexual relations with her. He finally forgave and divorced her. Must she observe `Iddah (woman's prescribed waiting period after divorce)?

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A: If the case is as you have mentioned, that the divorce took place while living with him in his house, she must observe the `Iddah of a divorced woman. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The first question of Fatwa no. 14463

Q 1: Some of my friends were in Kuwait during the invasion (of the Iraqi forces) so they went to Saudi Arabia but their father refused to go with them. After five months a friend called them saying that their father was lost. We went to Kuwait after it had been liberated to look for the concerned man. We were told that he was in the hospital falling into a faint. We thus went to the hospital to discover that he had already died. We were told that he died four months and half ago. We received his corpse, offered Funeral Prayer on him, and buried him. The foregoing was the story of that man and following is our question.

Does the widow of the deceased man in question have to observe Hidad (mourning prescribed period during which a widow does not adorn herself and keeps to her passed away husband's home) or not bearing in mind that the period of Hidad is four months and ten days and the deceased man mentioned above died a long time ago. May Allah guide us to what He loves and is pleased with.

A: if the wife knows of the death of her husband only after the passage of `iddah (woman's prescribed waiting period after divorce or widowhood) and Hidad, it will not be Wajib (obligatory) on her to observe any of the foregoing. She is not required to observe Hidad if her husband passed away

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four months and ten days ago or more while she did not know about it. However, if such a widow is pregnant; her Hidad has to continue until she gives birth to her baby. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 14506

Q 3: A man was captured by the enemy and his wife escaped to another country. After he was captured, this man was killed and his wife did not know about his death except after two months and several days. How will she calculate her `Iddah (woman's prescribed waiting period after divorce or widowhood)? Will it be two months and several days because two months and several days have passed or should she complete four months and ten days?

A: the `Iddah of a woman whose husband was killed but she did not know at the time of his death is four months and ten days if she is not pregnant even if she did not heard about his death except after the elapse of a period of time.

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Member	Deputy Chairman	Chairman
`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 16680

Q: Long ago, around forty seven years ago, a woman's husband died leaving behind no property, no relatives and no heirs. At that time the wife was unaware of the rulings of a widowed woman. No one told her that she had to observe a period of `Iddah (woman's prescribed waiting period after widowhood) of four months and ten days. She asks now whether a Kaffarah (expiation) is required, or must she observe a period of mourning. Please answer us, may Allah reward you!

A: observing `Iddah is one of the obligations prescribed by Shari`ah and the intention is not needed. `Iddah begins immediately after death or divorce has taken place. Furthermore, the wife whose husband dies must mourn and is sinful if she neglects this. No Kaffarah is required for neglecting mourning. Rather, this widow must perform Tawbah (repentance to Allah), ask Allah's forgiveness and increase her good deeds. Based on what is mentioned in the question, the term of this woman's `Iddah has ended. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 13767

Q: my husband died in Rabi` Al-Awwal in 1410 A.H. After his death, my abdomen swelled and I thought that I was pregnant. However, until now, 23/8/1411 A.H., nothing has shown that I am pregnant. I am still in my `Iddah (woman's prescribed waiting period after divorce or widowhood), given that my monthly period is regular, and I took pregnancy tests that showed that I am not pregnant.

A: If the situation is as you have mentioned, your `Iddah has come to an end after the passing of four months and ten days. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 13987

Q: A woman's husband died in a car accident. Three days after his death, she went to one of the medical centers with her brother to ask for a medical examination and make sure that she was not pregnant. After she had a medical examination, it was proven that she was not pregnant. Six days later, she got sick and was taken to hospital to have a cleaning operation and stayed in hospital for two days. She came to her mother and stayed with her

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for three days then she returned home. It was said to her: As long as you had a cleaning operation, no mourning period is due. It is worth mentioning that the operation was for cleaning blood.

She still goes out with her brother to the market and to hospital sometimes. She has doubts that the blood was a fetus despite the doctor's affirmation that it was just menstrual blood.

We wish that your Eminence will explain the matter because she will not be convinced except by your Fatwa (legal opinion). If what she is doing is not permissible, what is the obligatory Kaffarah (expiation) in this case? Is it permissible for her to go to markets, hospital and go out of the house for any reason? May Allah make you the source of knowledge for Muslims!

A: if it is confirmed that the woman is not pregnant at the time of her husband's death, she has to observe `iddah (woman's prescribed waiting period after divorce or widowhood) for four month and ten days as of her husband's death. She is not permitted to leave the house of her husband except after the elapse of her `Iddah unless it is necessary. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 14157

Q: About a year ago, some kind of misunderstanding took place between my husband and me, following which I went to my family's house and I have been staying there since then. My husband died and his family asked me to observe `Iddah (woman's prescribed waiting period after divorce or widowhood) for four months and ten days. However, I have refused to observe it because of my hatred for him.

I am asking about what I am obliged to do according to the Shari`ah (Islamic law) for not observing the `Iddah. If my husband's family asks me to observe `Iddah, am I obliged by the Shari`ah to observe it? If I claim my share of inheritance, can I take it? Please advise. May Allah reward you best!

A: a woman whose husband dies is required to observe `Iddah for four months and ten days if she is not pregnant. Allah (Exalted be He) says: ﴿And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴾ The `Iddah starts from the date of the husband's death. If a woman intentionally does not observe her `Iddah, she is sinful and has to make Tawbah (repentance to Allah) and ask for Allah's Forgiveness. Regarding inheritance, she has right to inheritance if she is not divorced. In case a dispute arises about the inheritance, the matter should be referred to the Shari`ah court.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14494

Q: eight months ago, signs of pregnancy appeared on a forty-five-year-old woman. The doctor said that it was a false pregnancy. She has been observing `Iddah (woman's prescribed waiting period after divorce or widowhood) for six months. Is she allowed to end her `Iddah? Is she permitted to respond to the doctor's request to perform a surgical operation of cleaning the uterus?

A: If the reality is as mentioned, this woman's `Iddah ends after the expiry of four months and ten days following the death of her husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 15735

Q: there was a very sick man who was in a hospital in a country other than where his wife lived. He suffered from many serious diseases and he was placed in the Intensive Care Unit

during the period of his stay in this hospital. Ten days before his death, his wife gave birth to a child. Is she required to observe `Iddah (woman's prescribed waiting period after divorce or widowhood)? Answer us, may Allah reward you and guide your steps, As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).

A: If the matter is as mentioned, this women must observe four months and ten days `Iddah, for Allah's Statement (Exalted be He): (And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)) But had her husband died before her giving birth to the baby by even one hour, her `Iddah would have finished upon her delivery. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 3464

Q: How can the two wives of a dead husband observe `Iddah (woman's prescribed waiting period after divorce or widowhood)? We have heard that they can share the period of `Iddah equally, but we are not sure about that.

A: If the reality is as you mentioned; that a man dies leaving behind two wives, each shall observe a complete term of `Iddah which lasts for four months

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and ten days. If one or both of the wives happen to be pregnant, they will have to observe `Iddah until the baby is delivered. The opinion you have heard that the period of `Iddah can be equally shared by the two wives is incorrect. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 6360

Q 4: A man disagreed with his wife, so he took her and went to her father's home. She stayed at her father's house for six months, during which they never met. Then, people tried to reconcile between them, but her husband did not want to return to her. He met her once at her father's house while she was wearing the Hijab (veil), then he returned to his home. A week later, he sent her the divorce paper. is the `iddah (woman's prescribed waiting period after divorce or widowhood) counted starting from the time she received her divorce paper or the time she went to her father's house? Please advise.

A: If the situation is as you have mentioned, the `Iddah of the mentioned woman starts from the day her husband divorced her, neither from the day of their separation, nor from the day she received the divorce paper, if she received it

later than the day in which the divorce took place. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 19954

Q: A man married a woman. Two months after consummating his marriage to her, he traveled. Later, it became evident to him that she was unsuitable as a wife. He divorced her and sent her the divorce paper a year after his travel.

The question is whether a divorced woman should wait until she finishes her `Iddah (woman's prescribed waiting period after divorce or widowhood) or can she marry immediately after receiving the divorce paper, given that her husband has not had intercourse with her for a year as previously mentioned. Please advise, Your Eminence, may Allah benefit Islam and the Muslims with your knowledge.

A: The `Iddah starts from the day of the occurrence of divorce by the husband, not from the day of receiving the divorce paper. Thus, it is unlawful for her to marry except after having three menstrual periods after the occurrence of divorce. If she does not have her menstrual periods, she must wait for three months; if she is pregnant, she must wait until she delivers the baby, according to

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Allah's saying, ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ Allah also says, ﴾And those of your women as have passed the age of monthly courses, for them the 'Iddah (prescribed period), if you have doubt (about their periods), is three months; and for those who have no courses [(i.e. they are still immature) their 'Iddah (prescribed period) is three months likewise, except in case of death]. And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 12465

Q 2: What is the ruling on a man who divorced his wife once, then during her `Iddah (woman's prescribed waiting period after divorce) divorced her once again. Would she be considered forbidden to him at the end of the `Iddah of the first divorce, or of the first and the second divorce?

A 2: If a man divorced his wife once, and during the `Iddah divorced her for the second time, his wife became forbidden to him by the end of the `Iddah of the first utterance of divorce.

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The first question, Fatwa no. 3116

Q 1: a man pronounced a triple divorce, should his wife wait three menstrual periods or only one?

A 1: His divorced wife has to observe three menstrual periods, and it is not enough to observe only one, because of the generality of His statement (Exalted be He): ﴾And divorced women shall wait (as regards their marriage) for three menstrual periods﴿ May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 18259

Q: a woman was divorced, then she had her first menstruation period and was purified. Five days later she had surgery and a cauterization was done inside her vulva and womb.

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As a result of the surgery, the woman bled light irregular blood. The blood stopped for two days, then bleeding started again then stopped for three days. Finally, she had her normal menstruation period then she was purified. The question is whether the bleeding after the surgery and cauterization, stopping for three days, and the second menstruation period she had are considered three Tuhrs (purity periods) or two only? Please provide us with your beneficial responses. Thank you.

A: If the matter is exactly as what is mentioned in the question, the bleeding that the concerned woman had after the surgery and cauterization will not be considered a menstruation because it only flowed as a result of cauterization. It is thus regarded as secretion whose stopping does not mean the start of a Tuhr (purity period). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 11229

Q 1: a married girl was given an injection by her husband to prevent menstruation, and for a whole year she did not menstruate. Now that her husband divorced her, I want to marry her, but she has not menstruated until now. How long is her `Iddah (woman's prescribed waiting period after divorce or widowhood)?

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A: The `Iddah for this girl is one year starting after Talaq (divorce) unless she begins to menstruate before the year is over. In this case she must wait until her `Iddah ends according to the end of her menstrual periods. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14098

Q: i am a 24 year old woman. i am divorced and have a two-month-old baby. i am required to wait for three menses to pass according to Shari`ah. Usually I do not have my menses except after the completion of my breast-feeding period i.e., after at least two years. Someone proposed to me and I would like to have a husband but I can not do that because I do not menstruate during this period. I am afraid that the Ma'dhun (the authorized person who concludes the procedures of wedding and divorce) will ask me about the three menses which a woman should have to complete her `Iddah (woman's prescribed waiting period after divorce or widowhood). I am confused; could you kindly advise me because I will not conclude the matter even after the elapse of the breastfeeding period. Could you answer me soon please?

A: Firstly, if you were divorced before giving birth, it is lawful for you to marry another man because the period of `Iddah ends by giving birth.

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Secondly, if you were divorced after giving birth, you have to wait for three menses. If blood ceases because of breast-feeding, you have to wait for the menses to come back then count your `Iddah. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The fifth question of Fatwa no. 6639

Q 5: After the husband dies, his wife mourns for nearly one year or more, wears a kind of garment known as "Damoyia", and never speaks before the Maghrib (Sunset) Prayer. They refuse to mourn for four months and ten days, and never go out of the deceased person's house. Many women mourn for a whole year or even two.

Kindly give us your Fatwa regarding the Islamic mourning period, its conditions, so that we may inform our women. May Allah reward you the best reward.

A: The legal `Iddah for a widow is four months and ten days, for Allah (Glorified and Exalted be He) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ and the Prophet (peace be upon him) stated:

﴾A woman must not observe mourning for more than three (days), except in the case of her husband whom she mourns for four months and ten days﴿ (Agreed upon by Al-Bukhari and Muslim). This applies to women who are not pregnant when their husbands die. If pregnant, the mourning period for her deceased husband ends upon giving birth, even if she delivers shortly after the husband's death, for Allah (Glorified and Exalted be He) states: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ It is narrated in the two Sahih ﴾that the Prophet (peace be upon him) told Sabi`ah Al-Aslamiyyah when she gave birth after her husband's death that her `Iddah was over.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 16488

Q 2: when does the mourning period of a widow begin? Does it begin from the date of death or date of burial?

A: The period of `Iddah (woman's prescribed waiting period after widowhood) and mourning for the widow begins immediately after the husband dies, not after burying him. And Allah knows best.

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Fatwa no. 1128

Q: a man has died leaving an old narrow-minded wife, who is more than seventy years old. as an old woman, she could not answer his needs. Is it obligatory for her to observe `Iddah (woman's prescribed waiting period after divorce or widowhood) like any other widow? What is the wisdom behind prescribing `Iddah in case of an old woman? If the wisdom behind prescribing `Iddah is to make sure whether the woman is pregnant or not, why does the `Iddah of a pregnant woman end with delivery? And why is an old woman, who is beyond the age of childbearing, obligated to observe `Iddah?

A: This woman should observe `Iddah for four months and ten days since she is included in the general meaning of the following Ayah (Qur'anic verse) in which Allah (Exalted be He) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ Here are some of the wisdom behind prescribing `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) in case of an old woman who is beyond the age of childbearing: showing the seriousness of the marriage contract, honoring its sacred bond, revealing its esteemed status, granting the husband his full right, and showing the pain of bereavement by the wife's abstinence from

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adorning herself. That is why the period of Hidad prescribed for mourning a husband is longer than that of the father and the son. The `Iddah of a pregnant woman ends when she delivers the baby. Allah (Exalted be He) says: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ This Ayah gives a specific ruling, while a general ruling is stated in the following Ayah: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ One wisdom behind making delivery the end of a pregnant woman's `Iddah is that pregnancy is the right of the first husband. If a pregnant woman marries another man immediately after losing her first husband, whether by death or any other cause, this second husband will be considered as having watered with his semen the sowing of another man; and this is not permissible. The Prophet (peace be upon him) said: ﴾"It is not lawful for a man who believes in Allah and the Last Day to water with his semen the sowing of another."﴿ (Related by Imam Ahmad, Abu Dawud, and Ibn Hibban on the authority of Ruwayfi` ibn Thabit Al-Ansary, (may Allah be pleased with him)) It is the duty of a Muslim to adhere to the rulings of Shari`ah (Islamic law), whether they know the wisdom behind them or not, and to believe that Allah (Glorified be He) is All-Wise in His Legislations and Decrees. Anyone whom Allah (Exalted be He) aids to know the wisdom behind some legislations is granted a light

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and a blessing from Him. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1301

Q: my sister married my paternal cousin and they lived together for no less than a year during which time he did not have sexual intercourse with her. Now after his death, is it obligatory for her to observe `Iddah (woman's prescribed waiting period after divorce or widowhood)? Is she entitled to inherit from him like his brothers?

A: If the reality is as you mentioned, that the husband died while married to your sister without having had sexual relations with her, she must observe `Iddah for four months and ten days starting from the date of his death. In addition, she is entitled to her share in his inheritance. If the husband did not have sexual intercourse with his wife, this would not exempt her from observing `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) and would not prevent her from having her share in his inheritance, similar to a wife whose husband dies before consummating the marriage. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 13366

Q 2: What is the ruling on a seventy-year-old widow who wants to perform Hajj during her `Iddah (woman's prescribed waiting period after divorce or widowhood)? Is it better for her to perform Hajj if she has not performed it before or to observe her `Iddah? Please bear in mind that she does not live in the Kingdom of Saudi Arabia but very far away in India; and she fears she may die or fall ill and be unable to perform Hajj the following year.

A: Any widowed woman who is observing her `Iddah should complete the prescribed period and not set out for Hajj until her `Iddah is over. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 9153

Q 1: One of our customs prescribes a longer period of `Iddah (woman's prescribed waiting period after divorce or widowhood) for a widow who has been married to one of her near relatives, despite the fact that the Qur'an has explicitly stated that the `Iddah prescribed for death is a period of four months and ten days. Enlighten us in this regard because many people are ignorant of the ruling on this. What shall a widow do during her `Iddah? Is she allowed to visit her next-door neighbors? We are ignorant of the rulings on such matters. We depend on the knowledge of our scholars and we ask Allah (Exalted be He) to guide them to the good.

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A: the `Iddah prescribed for a non-pregnant widow is four months and ten days. Allah (Exalted be He) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ If the widow is pregnant, her `Iddah ends when she delivers the baby, regardless of whether the delivery takes place some time after or before this prescribed period. Allah (Exalted be He) says: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ During `Iddah, the widow has to abstain from adorning herself with any kind of perfume or brightly-colored clothes. She is not allowed to leave her house for the purpose of visiting her next-door neighbors. It is not permissible to extend the duration of `Iddah for more than four months and ten days on account of the husband being one of the wife's relatives. The Prophet (peace be upon him) said: ﴾It is not lawful for a woman who believes in Allah and the Last Day to mourn for any dead person for more than three (days), except for a husband, (in which case the period of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) is) four months and ten (days).﴿

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The ninth question of Fatwa no. 7484

Q 9: What is the ruling on a woman's mourning more than three days over anyone other than the husband? What is the islamic ruling if a woman mourns over a husband more than four months and ten days? In some southern tribes women mourn the deceased, husband or otherwise, for more than a year.

A: A woman should not mourn any person other than her husband for more than three days, and she should not mourn her husband more than four months and ten days, unless pregnant, and only then she mourns him until she gives birth. This is according to the Hadith which states: ("It is not lawful for a woman who believes in Allah and the Last Day to observe Hidad (avoidance of perfume and adornment) over a dead person for more than three days, except over a husband, (in which case the period of Hidad is) four months and ten (days).") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 7077

Q 3: must an adult daughter mourn her step father as her mother mourns her deceased husband?

A: She is not obliged to mourn her step-father for the same period the mother observes. Rather, she must mourn him for three days, as it was authentically reported from the Prophet (peace be upon him) who stated: (it is not permissible for a woman who believes in Allah and the Last Day to mourn any one who dies for more than three days, except for a husband, four months and ten days.) May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The first question of Fatwa no. 5137

Q 1: it is customary that when a woman ends the state of mourning, i.e. four months and ten days after her husband's death, she comes out after Maghrib (Sunset) Prayer and goes to the Masjid (Mosque) accompanied by another woman to perform two Rak`ahs (unit of Prayer) with her and supplicate to Allah. During that time, there are no men in the Masjid. Is her going there Haram (prohibited) for her and the woman who goes with her?

A: If the woman whose husband dies goes to the Masjid after her waiting period is over accompanied

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by another woman after the Maghrib Prayer to perform two Rak`ah believing that it is an act of Sunnah, then this is Bid`ah (innovation in religion) and should not be done. This is impermissible, because neither the Prophet (peace be upon him) nor the Sahabah (Companions of the Prophet) have been reported to have done anything that indicates that. Furthermore, it has been narrated in the authentic Hadith reported on the authority of `Aishah (may Allah be pleased upon her) that the Prophet (peace be upon him) said: ﴿Whoever introduces into this affair of ours something that is not of it, is to be rejected.﴾ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The ninth question of Fatwa no. 14770

Q 9: what is the religious ruling on performing Ghusl (ritual bath) for a widow after the end of her `Iddah (woman's prescribed waiting period after divorce or widowhood)?

A: There is no special Ghusl prescribed for the end of the `Iddah of a widow, according to the saying of the Prophet (peace be upon him), (Whoever innovates things in our affair [Islam] which are alien to it, these are to be rejected.) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 2724

Q 2: a few days before my father's death, he asked us to move to an old house of ours that was not suitable for occupancy. after his death, my mother stayed at this house and did not want to go out. I am going to be married, and this old house is unsuitable to live in. Can I move my mother to the new house?

A: The original ruling concerning a widow is that she should spend the `Iddah (woman's prescribed waiting period after divorce or widowhood) in the house where she was at the time of her husband's death. She should not go out except for a necessity, such as going to the hospital and doing the shopping if there is no one else to do it on her behalf, according to what was narrated by Furay`ah bint Malik who said, (My husband went out seeking his slaves who ran away. When they met him at Al-Qudum, they murdered him. I was informed of this when I was in a faraway house that belongs to my family. I asked the Prophet (peace be upon him) whether I should return to my people, for I knew that he was murdered when I was in a faraway house that belongs to my family; he did not leave any maintenance for me; and that house (where I am staying) is not his. If I move to live with my family, this will be better for me. The Prophet (peace be upon him) replied, "You can do." When I came out, he called for me, or he commanded someone to call me and, therefore, I was called. He said to me, "Stay in the house where you knew of your husband's death until the `Iddah comes to an end." I passed my `Iddah there for four months and ten days. `Uthman asked me about it; I told him; and he applied it.)

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Narrated by the Five Compilers of Hadith (Imams Ahmad, Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah), and ranked as Sahih (authentic) by Al-Tirmidhy. Al-Nasa'y and Ibn Majah did not deny the inquiry of `Uthman about it. Thus, there is no need for your mother to move to the new house for the mentioned purpose until her `Iddah comes to an end.May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

The second question of Fatwa no. 8630

Q 2: we know that a widow during her mourning period should avoid all types of ornaments and should stay at her deceased husband's house. But what if a non-Mahram (not a spouse or an unmarriageable relative) from her relatives or those of her late husband visits to check on her and her needs? Should

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she inform them about her needs? If she becomes ill and there are no female doctors available, is it permissible for her to be examined by a male doctor?

A: If the case is as mentioned, it is permissible for her to answer them in a way that does not create suspicion, and she must avoid Khulwah (being alone with a member of the opposite sex), in addition to maintaining her Shar`i (Islamically lawful) Hijab (veil). It is also permissible for her to visit a male doctor, if she needs to and there are no female doctors to examine her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 10652

Q 2: it is said that when a man dies it is not permissible for his wife to look at a picture of him or touch his dead body. The same is said when a wife dies. if a wife insists on looking at a picture of her husband, she is told that she is no longer his wife and can no longer look at him. If someone dies and they have not yet departed for the cemetery, they put a cover over the eyes of the widow and she is sent to her father's house to spend her 'Iddah (woman's prescribed waiting period after divorce or widowhood) there. It is Haram (prohibited) for her to leave the house during her 'Iddah, and even though her husband's house is available, she is sent to her father's house; is this permissible? And is it true that a wife cannot look at the dead body of her husband and likewise for a husband?

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Is it permissible for a wife in her 'Iddah to go to her parent's house or any of her other relatives' homes on occasions of death or marriage? Does she have to have her eyes covered with a cloth when she goes?

A: It is obligatory on a widow to observe following the death of her husband an 'Iddah of four months and ten days, if she is not pregnant, whether she is old or young. As Allah (Exalted be He) says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿ She should spend her 'Iddah in her deceased husband's house. She should not leave the house to go to another, unless there is a need or a necessity, such as to go to hospital if she becomes ill or she needs to buy necessities from the market, such as bread and the like. This is if she has no one to do that for her. This is according to what was related by Furay'ah bint Malik, who said, ﴾"My husband went out to look for his runaway slaves and he caught up with them near Al-Qudum and they murdered him. News of his death reached me when I was staying in a house that was far from my family. I went to the Prophet (peace be upon him) and told him what had happened to him. I said: 'I heard the news of my husband's death when I was in a house far from my family. He left nothing as Nafaqah (obligatory financial support) or any property to be inherited and he did not own a home of his own. It would be easier for me in some ways if I go to my family and siblings.' The Prophet (peace be upon him) said, 'Go there.' When I went out to the Masjid (mosque) or to the room, he called me or he told someone to call me. He said, 'Stay in your house where you received the news of your husband's death until the decreed period is completed.'" She said, "So I stayed there for my 'Iddah for four months and ten days." She also said, "`Uthman sent for me and I told him about this and he followed it (i.e. the ruling)."﴿

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(Related by the Five Compilers of Hadith [Imams Ahmad, Abu Dawud, Al-Tirmidhy, Al-Nasa'y and Ibn Majah]. It was ranked as Sahih [authentic] by Al-Tirmidhy. The part concerning Uthman's sending to ask her was not mentioned by Al-Nasa'y and Ibn Majah. Scholars have used this Hadith as evidence to support the opinion that a widow has to observe her 'Iddah in the house where she heard of her late husband's death. She is not allowed to leave it to go to another house until her 'Iddah is

completed. The widow must also avoid wearing beautiful clothes, gold and silver ornaments and the like, or any type of perfume or kohl (antimony powder eyeliner). The Messenger of Allah (peace be upon him) forbade a widow in mourning to do these things. However, she may speak or sit with whomever of her Mahrams (unmarriageable relatives) she wishes and she may do anything that she wants or needs to in her home. It is not true that she is not allowed to look at the body of her dead husband or a picture of him. This is based on the report that Asma' bint 'Umays washed the body of her late husband, Abu Bakr, when he died. It is also narrated in Athar (narrations from the Companions) that 'Aishah used to say, ("Had I known earlier what I came to know later, no one would have washed the Messenger of Allah (peace be upon him) except his wives.")

(Related by Ahmad, Abu Dawud, and Ibn Majah) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no. 14100

Q 3: My paternal uncle, who is my father-in-law, died recently and my aunt started Hidad (mourning prescribed period during which a widow does not adorn herself and keeps to her passed away husband's home); is it permissible for me to sit and talk with her? Provide me with your beneficial answer please. May Allah reward you.

A: If you mean by saying "my aunt" your mother-in-law, it will be permissible for her to sit and talk with you because you are a Mahram (unmarriageable relative) to her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 14767

Q 2: A Sheikh forbids nine-year-old boys from entering upon widows; it is also said

that he forbids even seven-year-old boys. What is the ruling on this?

A 2: The widow who observes her `Iddah (woman's prescribed waiting period after widowhood) is like any other woman, with regard to appearing before Ajanib (men lawful for the woman to marry). However, the widow observing `Iddah must remain in her home and not wear adornments. Children who have no sexual desires are not forbidden from entering upon her. May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 13274

Q: A man who had married two women at the same time passed away. The two widows have the following queries: What is the ruling on going to the nearby farm to milk the cattle, cutting the grass, washing her clothes with soap, and using incense sticks on Friday and other days? When is it permissible for them to visit relatives or travel

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with their Mahrams (unmarriageable relatives)? It is worth mentioning that they went on a trip not knowing the ruling on this. Is Kaffarah (expiation) required? What is the ruling on touching uncooked meat and wearing white clothes? Is it permissible to equally divide the period of the `Iddah of the widow between the two widowed women, namely each one observes `Iddah for two months and five days? Is it permissible for the two women to visit each other? May Allah reward you!

A: First, there is nothing wrong for a widow in mourning to go to the nearby farm.

Second, she may wash her clothes and her children's clothes with soap and handle uncooked meat. Third, a woman whose husband dies is not allowed to leave her home to visit or travel until her `Iddah of four months and ten days has expired. Fourth, each one of the two widows must mourn for her husband for four months and ten days if she is not pregnant. If she is pregnant, her `Iddah ends when she gives birth. It is impermissible to divide the `Iddah period between the two widows. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 17705

Q 3: What should a widow do during her hidad (mourning prescribed period during which a widow does not adorn herself and keeps to her passed away husband's home) regarding her clothes, using telephones, and visiting neighbors?

A: It is Haram (prohibited) for a widow who is in her `Iddah (woman's prescribed waiting period after divorce or widowhood) to adorn her clothes, to ornament herself with jewelry, to dye her hair, or to use an eyeliner or any cosmetics. However, it is permissible for such a widow to trim her nails as prescribed by Sunnah (whatever is reported from the Prophet) and to cut the hair of the body that should be cut according to Shar` (Islamic law). On the other hand, it is Haram for a widow who is still in her `Iddah to apply perfume to her body and clothes and it is Wajib (obligatory) on her to stay at her deceased husband's home until the expiry of her `Iddah. Nevertheless, she is permitted to go out for her necessary needs in the day time but not at night and she is permitted to use telephones provided that no Fitnah (temptation) is feared. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The second question of Fatwa no. 19756

Q 2: My sister's husband died two months ago. My sister has become confused because of the different opinions she hears from her neighbors during her `Iddah (woman's prescribed waiting period after divorce or widowhood). They tell her that she

should not wear many clothes, just two or three, because at the end of her `Iddah these clothes shall be distributed as Sadaqah (voluntary charity), be torn and thrown away, or be estimated in value to give an equivalent value of money as Sadaqah. They also tell her that the husband's soul descends on Thursday and thus she should give Sadaqah on Wednesday night or on Thursday during the daytime or night. Moreover, they tell her that if she wants to give in Sadaqah, she must do that with cooked food and that she is permitted to visit her husband's grave.

Are such deeds Islamically lawful?

A: a woman observing `Iddah following her husband's death should abide by the following: **1.** She should stay in her home where her husband died and should not leave it except for necessity. **2.** She should not dab any perfume on her clothes or body and should not use henna (a plant that produces a reddish-orange dye). **3.** She should not wear jewels of any kind. **4.** She should not wear attractive clothing. **5.** She should not put kohl (antimony powder eyeliner). As for distributing the clothes she wears during her `Iddah, tearing them, or giving as Sadaqah an equivalent value of money and other such matters mentioned in the question, these are invalid acts and should not be practiced.

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Fatwa no. 19938

Q: I would like to tell Your Eminence that my father has recently died (may Allah be merciful with him). Since my mother is observing `Iddah (woman's prescribed waiting period after widowhood), she has asked me to greet you and ask you about the following:

First: Is it permissible for her to go to the Masjid (mosque) to offer the Tarawih (special supererogatory night Prayer in Ramadan) and Tahajjud (optional late night Prayer) in congregation?

Second: She lives in a house next to my house and that of my sister. The three houses can be opened to one another and are surrounded by one fence. Is it permissible for my mother to go out of her house to have lunch or dinner or to spend the night at either of these two houses?

Third: If the members of the three houses move to Makkah to perform `Umrah (lesser pilgrimage) during Ramadan, is it permissible for my mother to move with them?

Fourth: My father (may Allah be merciful with him) has another house in which his other wife and children live. If they are holding a banquet in their house, is it permissible for my mother

to attend it or to go there to visit them?

Fifth: Is it permissible for my mother to apply kohl (antimony powder eyeliner) for medical purposes and not for adornment? Is she permitted to henna or comb her hair?

Sixth: do menopausal women have different rulings regarding `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband)?

Seventh: Is it permissible for my mother to drink saffron as a sort of medication?

I have already read your valuable assay about `Iddah and told my mother some of its rulings, but she insists on knowing the opinion of Your Eminence. Since Allah (may He be Blessed and Exalted) has ordered Muslims to obey their parents, I have done as she tells me and I hope you would honor me with a detailed answer and illustration of what may be difficult for her to understand. I ask Allah (Exalted be He) to forgive my father and admit him into Jannah (Paradise) and to grant my mother a long life, bless her Rizq (sustenance), and make her offspring righteous. May Allah reward you the best for us and for all Muslims and guide you to what benefits the Ummah (nation based on one creed)!

A: It is not permissible for your mourning mother to leave her house to offer the Tarawih and Tahajjud Prayers. Rather, she should offer Salah (Prayer) in her house, because getting out for this purpose is not a need that permits her to leave the house. There is no objection to her going to your house or to your siblings' houses as long as they are surrounded by one fence, because they are regarded as one house. However, it is not permissible for her to travel and perform `Umrah because this opposes the rulings on

`Iddah. Likewise, she is not permitted to go to the house of your stepmother for visits or for attending the banquets that are held there, because this is not a need that permits her to leave her house. It is not permissible for her to apply black kohl for adornment; it is only permitted for medical purposes and even then she should apply it at night and remove it in the morning. She can fix her hair by applying Sidr (lote tree) and the like, but not henna or perfume, because of the Hadith which prohibits a woman in Hidad to comb her hair using perfume or henna. Women beyond the age of childbearing have the same rulings on `Iddah as other women. A woman observing Hidad is not permitted to apply perfume or anything including perfume, such as saffron, to her body and clothes or even to drink or eat it. May Allah help her to obey Him and avoid His Prohibitions! We ask Allah (Exalted be He) to forgive your father and all the Muslims who have passed away and offer you the best condolence and relieve your ordeal! May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 20453

Q 2: My mother is now in her `Iddah (woman's prescribed waiting period after divorce or widowhood) after my father's death.

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She wants to know what is permissible and what is not concerning using shampoo, perfume, clothes and answering the telephone, as these matters have not become clear due to what we hear from the people. May Allah reward you.

A: it is Haram (prohibited) for a woman who is in her `iddah to wear adorned clothes; she may wear ordinary clothes that are not adorned and that do not look like men's clothes. It is also Haram for her to wear jewels or apply makeup and perfume, whether to her body or her clothes. There is no harm in using some scent when performing Ghusl (ritual bath) after the end of the menstrual period. There is also no harm in using shampoo and other detergents, such as Sidr (lotus jujube), soap and others while bathing. It is permissible for her to talk on the telephone if it does not lead to Fitnah (temptation) or something prohibited. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The third question of Fatwa no. 3973

Q 3: should a woman observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) wear specific clothes with a certain color? Please bear in mind that the woman who is asking this question is almost fifty-five years old.

A: A woman observing Hidad should avoid wearing attractive clothing. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 6305

Q 2: is it permissible for a woman observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to eat red meat and cook at home? is her son-in-law a Mahram (an unmarriageable relative) for her?

A: She is permitted to eat red meat and the like, cook at home, and do her housework. Her son-in-law is one of her Mahrams. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The fourth question of Fatwa no. 17953

Q 4: when a man dies, what do the four months and ten days mean for his widow? Should she not see men at all during this period, even in the street? What women do in our country is that they do not go out and do not meet anybody except women and her relatives until the end of their `Iddah (woman's prescribed waiting period after divorce or widowhood). If they see men in the street, they add as many days to the `Iddah as the number of men they have seen. Is this valid?

A: If a widow is pregnant, her `Iddah comes to an end by delivery. If she is not pregnant, her `Iddah is four months and ten days, in which she should stay in the house where she was at the time of her husband's death, and not go out except for an excuse. She should also avoid perfume and makeup during the `Iddah. There is no harm in talking to men and seeing them for a reason; this has nothing to do with her `Iddah. However, she should lower her gaze like any woman. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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The seventh question of Fatwa no. 9527

Q 7: if a woman goes out during her 'iddah (woman's prescribed waiting period after divorce or widowhood) after her husband's death, and some Ajanib (men lawful for the woman to marry) see her, what should she do, is she obliged to do anything in that situation?

A: If she goes out during the 'Iddah following her husband's death wearing Hijab (the veil) to fulfill a need, there is no wrong with that. If she goes out for no important reason, she has to perform Tawbah (repentance to Allah) and seek His Forgiveness. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 7079

Q 2: some people claim that a woman should not comb her hair or sew anything unless three days pass after her husband's death. Kindly give me your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.

A: It is not Haram (prohibited) for a woman to comb her hair and she is permitted to sew any clothes she wants after the death of her husband. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 5775

Q 1: In the Island of Fursan we practice the following custom: When a man dies, his wife observes `Iddah (woman's prescribed waiting period after widowhood) for four months and ten days as prescribed in Islam. However, during this period the woman stays alone at her late husband's house and completely isolates herself from other people. She would make up for the day she happens to see someone even if it is one of her friends. She continues to isolate herself from other people until her `Iddah expires. Is that custom correct? If `Iddah is prescribed to make sure whether the wife is pregnant or not, is an old widow who has passed the age of childbearing obligated to observe `Iddah? Please advise! May Allah reward you best!

A: the widow shall be considered exceeding the proper limits of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) if she isolates herself from people. It is wrong to make up for the days she happens to see anyone during the period of `Iddah, as she would be burdening herself to do what she is not required to do. Thus, it is clear that this custom is incorrect. There is no blame on her if she mixes with other women or Mahrams (unmarriageable relatives). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 599

Q: my sister married a man who was living in Al-Artawiyah. He died and she has had no children from him. She has no relatives in Al-Artawiyah and I am her only relative and live in Abha. Is it permissible for her to spend her period of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) in Abha?

A: It is permissible for the woman to move to Abha and spend her period of Hidad there in case she fears living alone and there is no one to protect her. She is also permitted to move to anywhere else where she feels safe to spend the rest of her `Iddah (woman's prescribed waiting period widowhood). However, if she is safe in her home and wants to move to Ahba just to be close to her family, this is not permissible. Rather, she should stay in the house where her husband has died until her `Iddah is over. Only then, she is permitted to travel with any Mahram (an unmarriageable relative) to wherever she wants. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Sulayman Ibn Mani`	`Abdullah ibn `Abdul-Rahman ibn Ghudayyan	`Abdul-Razzaq `Afify

Fatwa no. 3199

Q: In late Sha`ban, 1399 A.H., my seventy-year-old father died, may Allah encompass him with His Mercy, and place him to dwell in

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His spacious Paradise. Soon after my father's death, I moved my mother and sisters to a nearby city where I own a home. My father (may Allah have mercy on him) was living in the suburbs of the city, and moving them was due to my mother's pressing need to be in the city, because of the diseases she suffers from. I heard on a radio program on Hadith that a widow is not to leave her house until her `Iddah ends. Given that I have moved my mother and her children from the suburbs into town, I ask whether my mother is to blame for this or not? I have another question. My mourning mother was stricken by a disease that kept her in the hospital for three days. She had chest xrays and tests done and her physician was a man. After leaving the hospital, she was instructed to return for further necessary check-ups and the required treatment. She continued having these check-ups with the physician during her mourning, when necessary. In the last month of her mourning period, she was stricken by hemiplegia

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and was hospitalized until she died fifteen days later, while she was still in her mourning period, may Allah encompass her with His Mercy and place her to dwell in His spacious Paradise. During her stay at the hospital, she was in a room with another female patient who was visited by Ajanib (men lawful for the woman to marry) who would see my mother, bearing in mind that she was in a coma and could not prevent being seen by Ajanib. Moreover, the physicians who treated and xrayed her body were men. Your Honor, is my mother to blame for any of this?

Please reply.

A: First, there was no wrong in your having moved your mother and sisters from the suburbs to town, after the death of your father; given that your mother was ill and in need of treatment. **Second,** the woman who mourned her husband and fell ill and went, meanwhile, to the hospital to be treated and then later returned for further treatment is not sinful, based on the generality of His statement (Exalted be He): ﴾Allâh intends for you ease, and He does not want to make things difficult for you.﴿

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He (Exalted be He) also states: ﴾So keep your duty to Allâh and fear Him as much as you can﴿ **Third,** your mother is not to blame for being hospitalized till she died while in her `Iddah (woman's prescribed waiting period after widowhood). Likewise, she is not to blame for receiving treatment from male physicians, or for Ajanib who visited their Mahrams (spouses or unmarriageable relatives) who were with her in the room. May Allah grant us success! May peace and blessings be upon our

Prophet, his family and Companions.

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Fatwa no. 21542

Q: I have been suffering from diabetes for more than 15 years, and, as a result, my retina has been affected. I have had an operation to replace the lenses and the retina has been treated with a laser. After this operation, blood has gathered in my eye and has almost completely limited my vision. The only treatment available for me is in the military hospital in Riyadh, according to

the medical report, of which I have attached a copy. I have lived with my daughter in Khamis Mashit for several years now to complete my course of treatment. I used to live with my husband in the Fayfaa mountains, but my husband (may Allah be merciful with him) died on 9/6/1421 A.H., while he was staying with me here at my daughter's home. I am now in my 'Iddah (woman's prescribed waiting period after divorce or widowhood) following my husband's death, but I want to travel to the military hospital in Riyadh for treatment, because there is no treatment for me in this area. I am suffering from diabetes and thrombosis and I am afraid of complications if I wait until the end of my 'Iddah.

My question is: is it permissible for me to travel to Riyadh for treatment and surgery while I am in my 'Iddah?

A: If the situation is as described, there is nothing to prevent you traveling for treatment, as long as you observe the rulings of 'Iddah for a widow, such as refraining from ornament in clothing, on body, jewelry, and perfumes, and avoiding suitors or concluding a marriage contract until the end of the time that has been decreed. If you travel, you should stay inside the house you will move to or the hospital where you will receive treatment, until the 'Iddah comes to an end. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 3591

Q 1: must the woman whose husband dies outside his home country while she was with him observe her `Iddah (woman's prescribed waiting period after widowhood) in that country, or return back to his homeland?

A: She may observe the `Iddah in the country where her husband died while she was with him under the following conditions: There should be a house which the deceased husband lived in where she feels safe and comfortable. She should have no difficulty staying in this country, and there should be some Mahrams (unmarriageable relatives) with her to protect her. If these conditions cannot be met, she may go back to her husband's home country to observe her `Iddah in his house - if possible - where she lived before traveling. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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The sixth question of Fatwa no. 9122

Q 6: What is the ruling on a woman whose husband died in her house and she wants to spend the period of her `Iddah (woman's prescribed waiting period after divorce or widowhood) in another city? Is it permissible for her to move to that city since she has no one to take care of her in the city where her husband died?

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A: If the case is as mentioned, that she has no one to take care of her and she cannot manage her affairs on her own, it is permissible for her to move to another city where she can feel safe and has someone to take care of her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 12414

Q 1: My father died; and while my mother was observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) my maternal uncle took her to his home where she spent the night. This happened in the second and fourth months following my father's death. Some of my relatives said that it was impermissible for my mother to do so. Is my mother considered a sinner for what she did? It is worth mentioning that she did not know the ruling on that matter and the reason for going to my maternal uncle's home was to attend a banquet. Does she have to observe Sawm (Fast) or make a Kaffarah (expiation) of any kind?

A: It is impermissible for a woman observing Hidad to go out to visit her relatives. However, since your mother left her home while she was ignorant of the ruling on doing so, we hope that Allah (Exalted be He) forgives her for what she did. She does not have to make any Kaffarah.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 13899

Q: my grandmother lives alone after her husband's death. Her children live in the same town but in a different area; she lives in Sultanah and they live in Al-Faysaliyyah in Khaybar. She has an immoral neighbor; we fear that he might seduce her while we are not with her and we feel ill at ease while she is staying there alone. We want to take her to live with us and give that house to its owner, as it is rented; not owned by her husband. Please advise whether I can take my grandmother to continue her `Iddah (woman's prescribed waiting period after widowhood) in my home or she has to continue it in hers. As previously mentioned, we fear that her neighbor might seduce her. May Allah safeguard you!

A: If the reality is as you mentioned, it is permissible to take your grandmother from the house where her husband has died to one of her children's houses, in order to protect her and prevent an expected harm.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

the period of `Iddah **Fatwa no. 14114**

Q: If the husband of a woman dies, how long is the obligatory `Iddah (woman's prescribed waiting period after divorce or widowhood) which the woman has to stay at home? My father died while my mother and her children were staying at the house of my elder brother in the eastern region. Should she stay in my brother's house (her son) to complete her `Iddah? Is it permissible for her to live with her second son because her older son has many children? Disputes erupt between the children of my elder brother and my young brothers. My brother's wife always disputes with my brothers and they disturb my mother a lot. Moreover, my mother does not like to stay in this region and if she stays with this wife, her health may get worse as she suffers from some diseases. Is it permissible for her to visit her father and her brethren? If one of her children wants to take her out to refresh herself, will it be permissible for her to do so while maintaining Hijab (veil)? May Allah save, help and guide you to serve

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Islam and Muslims! May Allah's Peace, Mercy, and Blessings be with you!

A: It is obligatory upon a woman whose husband died and left her not pregnant to stay in the house of her husband for four months and ten days. She is not allowed to leave the houses for a trip or for visit as long as she is still in her `Iddah (woman's prescribed waiting period after divorce or widowhood). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 14259

Q: is it permissible for a woman whose husband died one month before Ramadan to offer Tarawih (special supererogatory night Prayer in Ramadan) and Tahajjud (optional late night Prayer) in the Masjid (mosque)? Is she permitted to leave the house during Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) for this purpose?

A: A woman observing Hidad must stay at home and not go out except for a necessity. She should not go out to offer Tarawih and Tahajjud Prayers in the Masjid; she should offer Salah (Prayer) at home. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The second question of Fatwa no. 14042

Q 2: There is a woman who is senile and paralyzed; she lives in her son's house. She has two daughters who serve her by turns. One of the daughters' husbands has died, and she has been observing `Iddah (woman's prescribed waiting period after widowhood) in her husband's house. However, the other sister finds it too hard for her to stay with her mother until the `Iddah comes to an end, as she has young children and there is no one to take care of them. Is it permissible for the mourning sister to spend some of her `Iddah with her mother in her brother's house, since he is a Mahram (an unmarriageable relative) for her? Please advise. May Allah reward you!

A: A widow should spend her `Iddah in her husband's house. It is impermissible for her to stay in her brother's house to take care of her mother before the `Iddah comes to an end. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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cleaning the Masjid during Hidad **The second question of Fatwa no. 14598**

Q 2: Is it permissible for a woman observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to clean the Masjid (mosque)?

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It is worth mentioning that she has has been used to do so before her husband's death.

A: It is impermissible for a woman to leave her husband's house during Hidad unless she does so for a necessity, such as visiting doctors and other urgent matters. Leaving the house to clean the Masjid is not a necessity that permits a woman who is observing Hidad to leave her deceased husband's house, because the Masjid can be cleaned by someone else. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The third question of Fatwa no: 16817

Q 3: a man died four years ago. a week after his death, his wife's family took her to their house and prevented her from staying at her own house till she had finished her `Iddah (woman's prescribed waiting period after divorce or widowhood), ignorantly claiming she should not remain there. Is she required to offer a Kaffarah (expiation)? She is suffering a lot, as she dreams that her husband is very angry with her, but this is out of her control.

A: It is obligatory for a widow to fully observe her `Iddah at her husband's house if she is able to do this, for the Prophet (peace be upon him) commanded the woman whose husband died to do this. But, if a woman leaves her house for a necessity

that prevents her from remaining in her home, there is no harm if she moves to another house. Based on this, there is no harm on this woman who left her husband's house as long as she was forced to do so. But if she was lenient with this issue, she should repent to Allah (Glorified be He), for sincere Tawbah erases past misdeeds. The dreams that she keeps seeing are from Satan. When she awakens from such dreams, she should blow to the left three times and seek refuge in Allah from the accursed Satan and from bad dreams, and then turn to sleep on the other side. Thus, these dreams will not harm her. But she should not tell any one about them, as the Prophet (peace be upon him) commanded us not to do this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17703

Q: my husband died in a car accident. I then left my husband's house and went to my family's house. After the burial, his family

held the condolence ceremony for three days during which I stayed with them all day and spent the night in my family's house. Afterwards I stayed in my family's house until I gave birth one week after my husband died. I heard that it is impermissible for a widow to go out of her husband's house during the period of `Iddah (woman's prescribed waiting period after widowhood). It is noteworthy that I am unable to live in my husband's house, as it is far away from my family's house and I feel lonely in it. Please, advise. May Allah protect you!

A: A woman whose husband died has to stay in the marital home where she was when he died until her `Iddah expires. It is impermissible for her to leave it and move to another house except in cases of necessity. When she can not live in it for a Shar`y cause hindering her from this, she may move to the house where she feels safe. If the reality is as you have mentioned that you feel lonely in your husband's house and can not live in it alone, there is nothing wrong with moving to your family's house. May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 19568

Q: I am a young man. my father died and my mother is now in the mourning period. She lives away from me as I work in Riyadh and she lives in a village of the south where the house is not safe and no one takes care of her except an underaged brother. She is an aged and blind woman. I need your advice on how to get her to live with me in Riyadh to take care of her and provide her with a safer place.

A: If the reality is as mentioned, there is no harm in taking her to live with you in your house in Riyadh to ward off any harm. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 20924

Q: My brother-in-law died in Riyadh. My sister had a separate house of her own, and her neighbors were her husband's children from another wife. Out of fear for her, I told my mother to stay with her until her `Iddah (woman's prescribed waiting period after widowhood) would come to an end, and my mother, may Allah reward her,

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agreed. She stayed with my sister for three months and four days. Then, I had a phone call telling me that my father was very sick, and I had to take him to Tabuk for treatment, as there was no one else to accompany him to the hospital. I felt worried for my mother and sister if I left them to take my father to hospital and they also felt afraid. I discussed the matter with my mother in Riyadh and she asked me for my opinion. I told her that they had better go immediately to our house in Al-Dirah to stay with my elder sister and her husband, and call me after their arrival so that I could come and take my father to Tabuk for treatment. Are we considered sinful, as we made my sister leave her house before the end of her `Iddah, even though we know the rulings on the `Iddah prescribed for death?

A: If your widowed sister moves to a house other than her husband's during her `Iddah out of necessity, such as fear of staying alone there and not being safe, there is no harm in this. She may continue her `Iddah in the house she moves to. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 1927

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family, and Companions. The Permanent Committee for Scholarly Research and Ifta' reviewed the request submitted from His Eminence, the Judge of Al-Salil Court, to His Eminence, the President, which was referred to the Committee from the Secretariat General of the Council of Senior Scholars with the number (2/881) on 19/4/1398 A.H. The following question was posed:

"A person from Al-Salil has come to us to mention that his son-in-law has died and his daughter has to observe `Iddah (woman's prescribed waiting period after divorce or widowhood). Since she is a student, is it permissible for her to go to school? He has added that if his daughter goes out to school, she will wear clothes void of perfume and adornment. We hope Your Eminence will issue a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard."

The Committee answered as follows: It is obligatory for a widow to observe her `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) in her deceased husband's home. The period of `Iddah is four months and ten days if the widow is not pregnant. Moreover, a widow observing `Iddah and Hidad is not permitted to spend the night in any place other than her deceased husband's home. She has to avoid any adornment that may attract attention to her, such as perfume, kohl (antimony powder eyeliner), brightly-colored clothes, and anything that adds to her beauty. On the other hand, it is permissible for her to go out during the daytime in cases of necessities. Accordingly, the woman in question is permitted to go to school because of her dire need to attend classes and understand and study her lessons. She must

avoid all that must be avoided by widows during `Iddah, that is, anything that may attract men and urge them to propose to her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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The third question of Fatwa no. 6025

Q 3: my father died leaving behind two widows including my mother. my house is almost twenty meters away from theirs. Sometimes, I celebrate some occasions; is it permissible for them to come to have dinner with me? It should be noted that we live in the desert. There are no houses close to us and they are now in their mourning period.

A: If the reality is as mentioned, it will be permissible for them to go to your home and have dinner there. There is nothing wrong with that. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

Permanent Committee for Scholarly Research and Ifta'

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(Part No. 20; Page No. 476)

Fatwa no. 18875

Q: My mother is observing `Iddah (woman's prescribed waiting period after divorce or widowhood) following the death of my father (may Allah be merciful with him). She wants to visit her very old mother in her house, since my grandmother cannot go out due to her old age. My grandmother lives near us in the same neighborhood. Is it permissible for my mother to go out to visit her mother? It should be noted that my mother has already visited her mother several times during the `Iddah. Is she sinful for doing so? Please answer my question.

A: There is no problem if a widow observing `Iddah goes out of her house during the day, but not at night, in order to meet her needs. Visiting her mother who needs her is one of the noblest needs that permits a widow to leave her house, provided that this does not require traveling. It was authentically reported that the Prophet (peace be upon him) permitted women observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to go out in the morning and gather at the house of one of them to keep each other's company, on the condition of returning to their houses to spend the night there. On the authority of Mujahid who narrated that some men were martyred in the Battle of Uhud, so their wives came to the Messenger of Allah (peace be upon him) and said: ("O Messenger of Allah, we feel lonely at night; should we spend the night altogether at one house and go back to our homes in the morning?' The Messenger of Allah (peace be upon him) said, 'Talk to one another at one house but when you want to sleep, each one should go back to her home.'")

(Part No. 20; Page No. 477)

(Related by `Abdul-Razzaq and Al-Bayhaqy in his "Al-Sunan Al-Kubra") May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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The third and fourth questions of Fatwa no. 18083

Q 3: What is the ruling on a widow who talks to her husband's relatives from behind a screen during her Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband)?

A: There is no problem if a woman observing Hidad talks to men, whether they are her relatives or not, in case there is a need through the phone or any other way. She should be fully covered in the presence of non-Mahrams (marriageable relatives). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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Q 4: What is the ruling on holding banquets for a widow after her `Iddah (woman's prescribed waiting period after widowhood) is over?

A: It is permissible to hold a banquet for the woman who finishes her `Iddah if this is a prevailing custom to honor the woman.

However, if it is held out of believing that this is a religious obligation and a prescribed action, this is a Bid`ah (innovation in religion) and it is an impermissible act. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 15910

Q1: People made it a regular habit that when a woman's period of `Iddah goes by, they slaughter a sacrifice as an announcement for the end of her `Iddah. The person who does not follow this habit receives blame and criticism from his people. What is the ruling on this habit? Does it have any origin in the Shari`ah? What is your advice to those who follow it?

A: the act of slaughtering an animal after a woman's `Iddah expires and the belief that it is legally accepted have no origin in the Shari`ah and is impermissible according to the saying of the Prophet (peace be upon him), ﴾He who does any act for which there is no sanction from our behalf, that is to be rejected.﴿ Allah (Glorified be He) states in the Glorious Qur'an that `Iddah is obligatory and does not mention that a sacrifice has to be offered upon the end of `Iddah. Indeed, it is an invented practice that Allah and His Messenger did not enjoin. Thus, it has to be discarded and disapproved of. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr Abu Zayd	`Abdul-`Aziz Al Al-Shaykh	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah ibn Baz

The fifth question of Fatwa no. 21653

Q 5: it is the habit of some people that after the end of the `iddah (woman's prescribed waiting period after widowhood - four months and ten days) of the woman whose husband died, she should recite Surah Al-Fatihah and perform Ghusl (ritual bath). Is there any legal origin for this? If not, what is the sound view in this regard according to Shari`ah?

A: Reciting Surah Al-Fatihah after the end of `Iddah and then performing Ghusl has no origin in Shari`ah, so you have to put an end to this. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Bakr Abu Zayd	Salih Al-Fawzan	`Abdullah ibn Ghudayyan	`Abdul-`Aziz ibn `Abdullah Al Al-Shaykh

The first question of Fatwa no. 1823

Q 1: What is the ruling on a woman whose husband dies, but she refuses to observe `Iddah (woman's prescribed waiting period after widowhood)? What is the evidence supporting this ruling?

A: The woman whose husband dies must observe `Iddah and Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband). The `Iddah is four months and ten days if she is not pregnant. In case she is pregnant, her `Iddah ends when she delivers the child. The supporting evidence is the following Ayahs (Qur'anic verses) in which Allah says: ﴾And those of you who die and leave wives behind them, they (the wives) shall wait (as regards their marriage) for four months and ten (days)﴿

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and: ﴾And for those who are pregnant (whether they are divorced or their husbands are dead), their 'Iddah (prescribed period) is until they lay down their burden﴿ Moreover, a widow is required to observe Hidad during her `Iddah. Ibn Qudamah said, "There is no disagreement among the scholars regarding the obligation (of Hidad) on a woman whose husband dies, except for Al-Hasan who said that Hidad was not obligatory. However, it is an odd opinion that differs from that of the scholars, so it is not considered." If a woman abstains from observing Hidad, she is sinful and has to make Tawbah (repentance to Allah). May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2493

Q: A woman asked her husband to excuse her from observing Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) if he died before her, and he gave her permission.

(Part No. 20; Page No. 481)

He died before her. What should she do? Please advise.

A: A husband does not have the right to excuse his wife from observing Hidad when he dies. If he dies before her, she must observe Hidad, even if he has excused her from it during his lifetime. This is because it was authentically reported from the Prophet (peace be upon him) that he said: ("It is unlawful for a woman who believes in Allah and the Day of Resurrection to mourn a dead person for more than three days, except her husband, (in which case the Hidad is) four months and ten (days).") (Related by Al-Bukhari and Muslim) May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	**`Abdullah ibn Ghudayyan**	**`Abdul-Razzaq `Afify**	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 5932

Q: my father died a long time ago, but my mother did not observe `Iddah (woman's prescribed waiting period after divorce or widowhood). Please advise whether she has to pay Kaffarah (expiation) or not, given that she is still alive.

A: A widow is obligated to observe `Iddah for four months and ten days following her husband's death. In case she is pregnant, her `Iddah ends when she delivers the baby. As your mother did not observe `Iddah in its proper time, either out of ignorance or otherwise, she does not have to pay Kaffarah; she only has to make Tawbah (repentance to Allah), Istighfar (seeking forgiveness from Allah), and say Dhikr (Remembrance of Allah) frequently.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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`Abdullah ibn Qa`ud	`Abdullah ibn Ghudayyan	`Abdul-Razzaq `Afify	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 7700

Q: I submit to Your Eminence this question. My father died thirty years ago and left four children; two sons and two daughters. We had hard times facing the burdens of life. our mother had to make a living for us directly after our father's death. She, thus, did not observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) to support us since there was no one else to carry out this job. Now, my mother is asking if she is blamed for what she did. Could she observe Hidad at the present time? Kindly give us your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah safeguard you and grant you success in pleasing Him (Glorified and Exalted be He).

A: If the reality is as you mentioned, there is no blame on her. She should ask Allah (Exalted be He) for forgiveness and make Tawbah (repentance to Allah).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 7422

Q: my father died last year and my mother started the period of Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) following his death. However, she did not observe what a widow in Hidad should do. For example, she left the house for no valid reason and she wore her best clothes. She also put kohl (antimony powder eyeliner) and wore perfume. She did this out of ignorance. What should she do?

A: : It is obligatory for a widow to avoid adornment during the period of Hidad. She is also not allowed to leave the house of her late husband for an unnecessary reason. Since your mother had already made some mistakes out of ignorance, she must seek Allah's Forgiveness and turn to Him in repentance. We hope that Allah (Exalted be He) may forgive her. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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\`Abdullah ibn Qa\`ud	\`Abdullah ibn Ghudayyan	\`Abdul-Razzaq \`Afify	\`Abdul-\`Aziz ibn \`Abdullah ibn Baz

Fatwa no. 10121

Q: My mother is about eighty or eighty-five years old. When my father died, he left five poor children; so my mother used to work to be able to feed and clothe us. Since we were wandering Bedouins, she used to work in spinning, weaving, and grinding grain to sustain us. She did not even have mourning clothes to wear. Thus, she did not observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) for the abovementioned reasons. What should she do now? What is the Kaffarah (expiation)? May Allah reward you best!

Note: My father died forty years ago.

A: If the reality is as you mentioned, your mother does not have to do anything to expiate for not observing Hidad following the death of her husband forty years ago, as it is out of its time. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The first question of Fatwa no. 12081

Q 1: my mother died a long time ago, but she did not observe Hidad (prescribed mourning period during which a widow does not adorn herself and keeps to the home of her deceased husband) when my father died due to her ignorance of this obligation. Is there any blame on her? What can I do as a Kaffarah (expiation) on her behalf?

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A: There is no blame on your mother for not observing Hidad, as she is excused by her ignorance. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20504

Q: My mother is about 65 years old. When my father died, she did not observe a mourning period. Later, she married another person. I need your advice with regards to what we should do. It should be noted that my mother is still alive and she regrets her act as she did it in the past due to lack of knowledge, as they were Bedouins. Please, guide us to do what is right. May Allah reward you with the best and grant you success!

A: Your mother's marriage would be valid, if she got married after the `Iddah (woman's prescribed waiting period after divorce or widowhood) i.e. four months and ten days after her husband's death or after giving birth if she was pregnant, regardless if she mourned your father's death or not. however, if she did not mourn during the period of `Iddah

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intentionally while being aware of the legal the ruling, she committed a sin and should repent to Allah. If she was ignorant of the ruling, she is exempted from blame. If she married before the `Iddah went by, her marriage is invalid. You have to refer to the court to check that. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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`Abdullah ibn Ghudayyan	Bakr Abu Zayd	Salih Al-Fawzan	`Abdul-`Aziz Al Al-Shaykh	`Abdul-`Aziz ibn `Abdullah ibn Baz

Fatwa no. 10889

Q: If a European woman embraces Islam, how long is the waiting period after which she is permitted to marry a Muslim person? It is worth mentioning that a woman in such countries usually has one boyfriend or more with whom she has sexual intercourse, although he is not her husband and he does not have the husband's rights. It is known that the said deviant practices in such countries are not forbidden; rather, they are permissible for both sexes. We have read in books of Fiqh (Islamic jurisprudence) that the waiting period of a non-Muslim woman is one menstrual period at least. In this case, if a Muslim man has married a woman who has recently embraced Islam and she has told him that she already had three menstrual periods before their marriage and that she had no sexual intercourse with any man during this period, but later he has found out after their marriage that she has been pregnant and that she had only one menstrual period - and not three menstrual periods as she has told him - about a week before its regular time, what should this Muslim man do in this case?

Is their marriage considered lawful and should he believe what she has told him that she had three menstrual periods before he married her without having sexual intercourse with any other man? How could he continue living with her after knowing the truth? Is the child considered his son? This Muslim man fears that if he divorces her, she might turn apostate. Kindly give us you Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah reward you best!

A: If the reality is as you mentioned, istibra' (making sure that the woman is not pregnant) is verified with one menstrual period. However, if she is pregnant, it is not valid to conclude the marriage contract until she gives birth. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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The twelfth question of Fatwa no. 4091

Q 12: What is the ruling on ensuring that the womb is free from pregnancy through medical examination by modern techniques?

A: Allah (Exalted be He) is the One Who sets the rules of acts of worship, marriage and transactions. He has full knowledge of what happened and what will happen in the future. He does not ordain checking pregnancy or not by medical examination through modern techniques; (and your Lord is never forgetful) So it is not enough to use this instead of

waiting for a `Iddah (woman's prescribed waiting period after divorce or widowhood) according to the Qur'an and the Sunnah. This ruling is clearly illustrated in the books of Fiqh. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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